RECORDS IN THE BRITISH PUBLIC RECORDS OFFICE RELATING TO SOUTH CAROLINA

VOL. 29

1761 - 1763

MICROFILMED · BY · WM. L. McDOWELL

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Vol 29

1761

B P R O B T Journals Vol 69

At a Meeting of Hs Majestys Commissioners for
Trade and plantations
Wednesday 7 January 1761
Present
Earl of Halifax Mr Hamilton
Mr Jenyns Mr Elliot

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Georgia } Read the following Letters recvd from the Governor &
S. Carolina } Lieut Gov.r of Georgia and the Lieut Governor of S.o Carolina
viz: Letter from Henry Ellis Esq Governor of Georgia to the Board
dated 20.th Oct 1760 containing an account of Indian Affairs. Letter
from James Wright Esq Lieutenant Governor of Georgia to the Board
dated 23 Oct 1760 acquainting their Lordships with his arrival. with
the apparent danger the province is in and the necessity for speedy
succour. Letter from William Bull Esq Lieut Governor of S.o Carolina
to the Board dated 21 Oct 1760 with a postcript of the 29.th concerning
Hostilities lately committed by the Cherokees. Letter from Lieut Governor
Bull to the Board dated 18.th Nov 1760 containing Account of the offers
of the Chactaws to enter into Alliance with the English of the Intrigues
of the French to prevent the Cherokees making peace with us and of Mr
Bulls plan of offensive War. Ordered that Copies be made of the
postscript and Letter from the Lieutenant Governor of South Carolina
and an Expact of so much of that from the Governor of Georgia as
relates

relates to the state of the province in respect to the Indian War, to be transmitted to Mr. Secretary Pitt and that the Draft of a Letter to him thereupon be prepared

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Thursday 8th Jan.y 1761

Georgia } The Draft of a Letter to Mr. Secretary Pitt with Copies of a
So. Carolina } Letter and postcript of a Letter from the Lieutenant Governor of So. Carolina, and the Extract of a Letter from the Governor of Georgia respecting the State of Indian Affairs in those provinces, having been prepared pursuant to Order, was agreed to transcribed and signed

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Thursday 5th Feb.y 1761

So. Carolina Read a Letter from William Bull Esq Lieut. Governor of South Carolina dated 17th December 1760 informing the Board, that he had received an Account from General Amherst, that he had ordered 1200 Men to Embark for that Province, that he had supplied Fort prince George with provisions &c. and that the French had built a Fort on the Cherokee River. Ordered that an Extract be mad of so much of Mr. Bulls letter as relates to the French having built a Fort upon the Cherokee River, to be transmitted to Mr. Secretary Pitt

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Wednesday 11th Feb.y 1761

So. Carolina } A Letter to Mr. Secretary Pitt with the Extract of a Letter
Virginia } from the Lieutenant Governor of So. Carolina relating to the

French

French having built a Fort upon the Cherokee River. was signed as was also a Representation to his Majesty proposing that Presly Thornton Esq may be appointed of the Council of Virginia in the room of the Revd Thomas Dawson

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Tuesday 17th Decr 1761

So Carolina Letter to Mr Secretary Pitt desiring he would move His Majesty that Mr Joseph Stephenson may be continued Naval Officer of the province of South Carolina and inclosing a Warr for that purpose

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Wednesday 11th March 1761

So Carolina Their Lordships took into consideration an Act passed in the province of South Carolina in 1759 intituled An Act to supply the defects in Evidence. where original Wills cannot be produced and to make the proceedings upon Questions arising upon such Wills more easy and effectual and for repealing so much of the second Clause of an Act for making more effectual Last Wills and Testaments. as contradicts or repeals the Ninth Clause of the Act against Bastardy together with Sir Matthew Lambs report thereupon and agreed to consider further thereof at another opportunity

Representation to His Majesty proposing that William Bull Esq may be continued Lieut Governor and David Graeme Esq. Attorney Genl of the province of South Carolina. Letter to Mr Secretary Pitt desiring he would move his Majesty that Dougal Campbell Esq may

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be continued Clerk of the Common Pleas in South Carolina and inclosing a Warrant for that purpose

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Tuesday 17th March 1761

So Carolina } Representation to His Majesty proposing Thomas Boone
New Jersey } Esq to be Governor of So Carolina in the room of Thomas Pownall Esq. and Josiah Hardy Esq to be Governor of New Jersey in the room of Thomas Boone Esq. Representation to His Majesty proposing that Thomas Skinner Esq may be appointed Chief Justice of the Province of South Carolina in the room of Peter Leigh deceased

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Wednesday 1st April 1761

So Carolina Read the following Letters and Papers received from the Lieutenant Governor of So Carolina viz.t Letter from Wm Bull Esq Lieut. Gov.r of South Carolina dated 28th Jan.y 1761 to the Board, acquainting their Lordships with his having appointed Jn.o Drayton Esq a Councillor and Wm Simpson Esq Chief Justice of that Province. Letter from Wm Bull Esq Lieut Gov.r of South Carolina to the Board dated 19th Jan.y 1761 containing a circumstantial Account of the preparations for carrying on the War and of the State of Indian affairs and inclosing Account of the Vessels entered and cleared at the Port of Charles Town between the 5th of Jan.y 1760 and 5th Jan.y 1761 and of the Imports and exports during the said Time. Letter from Wm Bull Esq Lieut Governor of South Carolina to the Board dated the

(17th)

17th February 1761. giving an Account of his proceedings on the receipt of the Orders for proclaiming His Majesty. of his having called a New Assembly and of the present state of Indian Affairs. Letter from Wm Bull Esq Lieut Governor of South Carolina dated 17th February 1761 informing the Board that he will endeavour to collect printed Copies of the Laws of that province and transmit them to their Lordships and sending Copies of Laws lately passed and other Public Papers Minutes of Council from the 4th of July 1759 to the 30th of June 1760 Minutes of the Upper House of Assembly from 23 November 1758 to the 11th March 1760 Minutes of Assembly from the 14th February to 20th August 1760. Eight Acts passed May June July and August 1760 Ordered that the abovementioned Eight Acts be referred to Sir Matthew Lamb for his opinion thereupon in point of Law Resolved that Mr Bulls letter of the 28th of January relative to the State of the Council be taken into consideration when the Governors instructions shall have been prepared

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The Secretary laid before the Board twenty four Orders of His Majesty in Council approving the Boards recommendations of the following persons to be Governors and other Officers in America and directing the proper Commissions Warrants and Drafts of Instructions to be prepared Viz. . . . . .

So Carolina Thomas Boone Esq Governor of South Carolina William Bull Esq Lieut Governor David Graeme Esq Attt Genl & Charles Skinner (Esq)

Esq Chief Justice of the said province

Tuesday 21st April 1761

S. Carolina The Draft of a Representation to His Majesty proposing that Mr Boone Governor of South Carolina may have leave to come to England before he goes to his Government having been prepared pursuant to Order was agreed to transcribed and signed

Wednesday 29 April 1761

S. Carolina Their Lordships took into consideration the State of His Majestys Council for the Province of South Carolina and ordered a Representation to His Majesty to be prepared proposing that Charles Skinner John Drayton and John Rattray Esq may be appointed to fill up three Vacancies in the said Council, occasioned by the Resignation of George Saxby and Edward Fenwick Esqres and by the death of John Cleland Esqre

Friday 1st May 1761

S. Carolina The Draft of a Representation to His Majestq proposing that Charles Skinner John Drayton and John Rattray may be appointed of the Council of South Carolina having been prepared pursuant to order was approved and ordered to be transcribed

(Wednesday)

Wednesday 6th May 1761

So Carolina Order of His Majesty in Council dated 30 April 1761 approving a Representation of the Board proposing that Thomas Boone Esq Governor of South Carolina may have leave to return to this Kingdom for the space of Twelve months and directing a Warrant to be prepared for that purpose. The draft of a Warrant having been accordingly prepared was approved and a Representation to His Majesty thereupon was accordingly signed, as was also a Representation to His Majesty proposing that Charles Skinner John Drayton and John Rattray may be appointed of the Council of South Carolina

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Tuesday 26 May 1761

So Carolina Their Lordships then took into consideration the following Acts passed in the province of South Carolina in 1759 Viz. An Act to supply the Defects in Evidence where Original Wills cannot be produced and to make the proceedings upon Questions arising upon such Wills more easy and effectual and for repealing so much of the second Clause of an Act for making more effectual Last Wills and Testaments as contradicts or repeals the Ninth Clause of the Act against Bastardy. An Act for preventing as much as may be the spreading of Malignant and Contagious distempers in this province and for repealing the former Acts and paragraphs of Acts heretofore made for that purpose. An Additional Act to

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an Act entitled An Act to ascertain the manner and Form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly and to appoint who shall be deemed and adjudged capable of Choosing or being chosen members of the said House passed the 21st day of September in the Year of our Lord 1721 and for repealing several clauses in the said Act Their Lordships also took into consideration Sir Matthew Lambs report upon the said Act mentioned in the Minutes of the 11th of March last and Sir Matthew Lamb having stated to their Lordsps the grounds and Reasons for the objections made by him to the first of these Acts and other objections appearing to their Lordships against that for regulating the Election of Members of the Assembly It was Ordered that the draft of a Representation to His Majesty should be prepared proposing that the said two Acts may be repealed

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Wednesday 27 May 1761

Pensylvania } The draft of a Representation to the Lords of the Com-
So. Carolina } mittee of Council for Plantation Affairs upon five Acts passed in pensylvania in 1754 and 1760 and of a Representation to His Majesty proposing the Repeal of two Acts passed in South Carolina in 1759 having been prepared pursuant to order was agreed to and ordered to be transcribed.

No. 15. Carolina Their Lordships then took into consideration

Thirteen Acts passed in N° Carolina between November 1759 and January 1760 and Six Acts passed in South Carolina in May 1758 together with Sir Matthew Lamb's Reports thereupon and the said Acts and Reports having been read, and no objection appearing to their Lordships against the said Acts it was agreed that they should lye by probationary until the further Effect and operation of such such of them as have not expired shall be known

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Friday 29th May 1761

Pensylvania } The draft of a Report to the Lords of the Committee of
S° Carolina } Council for plantation affairs upon five acts passed in pensylvania in 1757 and 1760 and also of a Representation to His Majesty poposing the Repeal of two Acts passed in South Carolina in 1759 having been transcribed pursuant to order were signed

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Tuesday 23rd June 1761

N° Carolina } Their Lordships took into consideration Thirteen Acts
S° Carolina } passed in N° Carolina in December 1760 and Eight Acts passed in South Carolina in May June July and Aug 1760 together with Sr Matthew Lamb's Reports thereupon and the said Acts and Reports having been read and no material Objection appearing to any of the said acts, it was agreed that such of them as have not expired by their own Limitation should lye

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by for consideration when the Effect and operation of them should be further known

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Thursday 25th August 1761

S.o Carolina Order of His Majesty in Council dated June 25th 1761 repealing two Acts passed in South Carolina in April 1759

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Tuesday 1st September 1761

S.o Carolina Read the following letters received from Will.m Bull Esq Lieut Governor of South Carolina Viz. Letter from William Bull Esq Lieut. Gov.r of S.o Carolina to the Board dated 30 April 1761 giving an Account of the progress of the Troops destined to go against the Cherokees and of the present state of Indian Affairs. Letter from Wm Bull Esq. Lieut Gov.r of S.o Carolina to the Board dated 16 May 1761 giving a further Account of the progress of the Troops under the Command of Colonel Grant and enclosing. A Gazette. Letter from Wm Bull Esq Lieut Gov.r of South Carolina to the Board dated 28th of May 1761 acquainting their Lordships with the death of Mr Childermas Crofts Clerk of the Assembly and of the further progress of the Troops under the command of Colonel Grant. Letter from Wm Bull Esq Lieut Governor of South Carolina dated 19 June 1761 giving the Board an Account of the further progress of the Expedition for the reduction of the Cherokee Indians

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(Thursday)

Thursday 10th Sept.r 1761

So Carolina / Read a Letter from Wm Bull Esq Lieut Gov.r of So Carolina dated 17 July 1761 giving an Account of Colonel Grants successful Expedition against the Cherokees

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Monday 21st Sept.r 1761

So Carolina / The Secretary laid before the Board drafts of Genral Instructions and of those relating to the Observance of the Laws of Trade prepared pursuant to Order for the Governor of So Carolina and the said drafts having been approved with some alterations and additions they were ordered to be transcribed and a Representation to His Majesty thereupon signed

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Thursday 12th Nov 1761

Antigua) Ordered that drafts of Representations to His Majesty
So Carolina) be prepared proposing that William Young Esq may be appointed of the Council of Antigua and Daniel Blake Esq of the Council of South Carolina

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Thursday 10th Dec.r 1761

So Carolina / Read a Letter from Wm Bull Esq Lieut. Governor of South Carolina dated Charles Town 23 Sept.r 1761 acquainting the Board that preliminary Articles for a general Pacification with the Cherokee Indians had been agreed upon and signed that day

day by him and Attakulla Kulla one of the Chiefs of the said Indians and inclosing a Copy of the said preliminary Articles.

Ordered that an Extract be made of as much of the 5d Letter as relates to these Articles and to the situation of the Province of South Carolina in reference to the French Settlements in Louisiana and also a Copy of the preliminary Articles to be laid before His Majesty, and that the draft of a Letter to the Earl of Egremont, one of His Majestys principal Secretaries of State be prepared to accompany the said papers

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Friday 11 December 1761

S.o Carolina The draft of a Letter to the Earl of Egremont, one of His Majestys principal Secretaries of State, accompanying the Copy of the preliminary Articles for a General Pacification with the Cherokee Indians agreed to and signed at Charles Town S.o Carolina and also an Extract of M.r Bulls Letter, containing an Account of this Transaction having been prepared pursuant to order, was approved transcribed and signed

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B.P.R.O. B.T. South Carolina Vol 29

To Whitehall 8th January 1761

The Right Hon.ble William Pitt

One of His Majestys Principal Secretaries of State

Sir

Having since our Letter of the 19th of December last received Letters from William Bull Esq. Lieut Governor of South Carolina and Henry Ellis Esq. Governor of Georgia containing (amongst other things) Accounts of the present state of affairs with respect to the Cherokee Creek and Chactaw Indians We think it our duty to lay before you the Enclosed Copies and Extracts of the said Letters. We are Sir

Your most obedient and most humble Servants

Dunk Halifax

Soame Jenyns

Wm Sloper

B.P.R.O. So. Carolina. B.T. Vol. 20. M. 19.

January 28. 1761.

My Lords,

I am to acquaint your Lordships that Mr Fenwicke hath signified to me, that on account of his infirm state of health and other reasons it was not agreable to him to give any further attendance in Council, and that therefore he resigned his seat at that Board, by which the number of Counsellors in this Province is reduced to five, wherefore in pursuance of His Majestys Commission and Instructions to Governor Lyttelton and to prevent any Detriment which might arise to His Majestys service for want of a sufficient number of Counsellors, I have appointed John Drayton Esq.r to be of His Majestys Counal for this Province I should have filled up the Board to seven but several Gentlemen to whom I proposed it having declined, I thought it would be derogatory to the honour of that Office to require any further Denials.

I think it my Duty to represent to your Lordships that I met with great difficulty to prevail

prevail on Gentlemen, properly qualified, to accept of an occasional appointment as they are to be displaced when the Council is again filled. I there fore humbly beg leave to recommend Mr. John Drayton to your Lordship's favour. He is a Gentleman whose Loyalty to His Majesty and whose knowledge of and attention to the interests of this Province by his service in the Assembly and by his age and affluent Fortune, render him well qualified for the important trust of assisting His Majesty's Governor with his advice. I must inform your Lordships that he was appointed about six years ago on the like occasion, and afterwards obliged to withdraw when the Council was filled, and therefore if obliged to retire again, will undergo the more severe being a repeated Mortification, which would extend its influence over others to avoid the like.

I am further to acquaint your Lordships that the exercise of some occasional powers which by Law are lodged in the Chief Justice of this Province only, having been lately much wanted that there may be no delay of Justice

in

in these cases I have appointed William Simpson Esq.r the Senior Counsel or Assistant Judge to be Chief Justice until His Majesty shall be pleased to appoint one.

I have the honor to be with the greatest respect

My Lords

Your Lordships

most obedient

and most humble servant

Wm Bull

To the Right Honorable
the Lords Commissioners
for Trade & Plantations at
Whitehall

M. 19.
Received March 26.
Read April 1. } 1761

B.P.R.O. So. Carolina B.T. Vol 20. M. 20

Charles Town, South Carolina
January 29th 1761

My Lords,

On the sixth Instant Colonel Grant arrived here with about twelve hundred men, sent by General Amherst, on my solicitation for assistance in effectually carrying on the War against the Cherokees. And upon a mature consideration whether it was practicable to march so large a number of Troops immediately into the Enemy's Country, it was thought impossible on account of their being no feeding on the Ground for the Horses that were to draw the carriages, and the Cattle that were to be driven to subsist the Army; and the carrying Food for the Horses alone, would have encreased the Train to such a length, as would have rendered the Line of March too extensive to be guarded, the Carriages too numerous to be procured. For the Troops being about sixteen hundred Regulars, and twelve hundred Provincials, would require above two hundred and fifty Waggons at

at the lowest computation, And their Horses with those of the Rangers would amount to about two thousand without this addition; Wherefore it was thought necessary that the Troops newly arrived should be landed in Charles Town and not encamped. Immediately thereupon I put our Barracks in such order as to receive all the privates, and half the Officers, I procured quarters for the rest, about forty, in private Houses with the consent of the Landlords, And settled all Barrack necessaries and firewood to the satisfaction of Colonel Grant; for all which the Assembly have resolved to provide. And in order to facilitate the establishing of a Magazine of Flour of five hundred thousand weight of Flour at the Congarees, as well as Waggons for the service of the Campaign. The Assembly have past an Ordinance to impress Waggons and regulate their hire. Orders are also given to have in readiness fifteen hundred head of Cattle at different places and times as wanted.

Colonel Grant intends to take the field on the tenth of March, and encamp about thirty two Miles from Town, for about fourteen days

days, and then proceed to the Congaree by the tenth of April, and after joining the Provincials march up so as to reach Keowee by the first of May.

As the success of this Expedition will be greatly facilitated by the Co-operation of the neighbouring Provinces, I have sent an Express to Governour Fauquier to acquaint him with the foregoing Resolutions, and to press him regulating the March of such Army, as shall be sent from Virginia, so as to reach Chelee, near Fort Loudoun, by the same time, that we may put the Enemy between two fires, and divide their numbers, perhaps distract their measures.

I have sent the like notice to Governour Dobbs I confess I expect nothing from his Assembly, and I wish I could hear that the Virginians will certainly raise an Army, which they may think strong enough to go out of their own bounds, and penetrate as far as Chota, which they can do with more ease and less force than is possible for us, as there are no Mountainous passes or defiles to interrupt their March thither. And if it were necessary they might

might send their Baggage, or Cannon, if wanted, by water, down Holstons River, with which the Cherokee or Tenesee River mixes its streams about ten Miles below Fort Loudoun.

I shall now proceed to lay before your Lordships, some account of our Provincial preparations and measures. I have now a Regiment of Rangers or light Horse compleated to six hundred effective privates by a late Augmentation which I recommended to the Assembly, and when the recruiting Parties now out, return to the Regiment of Foot, I expect there will be about the same number of them. I have sent Officers to North Carolina, with plenty of Gold and Silver with little success, And notwithstanding the great Bounty, and utmost alertness in the Officers, I have not been able to raise more in this Province; which your Lordships I hope will think no small matter, where the whole number of fencible men does not exceed six thousand, since the flight of many Back Settlers, on the first breaking out of the War, and when your Lordships consider the number of our domestic Enemies that demand our attention,

and

and who might be tempted to form some bold Enterprize, if they saw the Country drained of Men, and carried to so remote service; This measure could therefore scarcely be thought safe or prudent.

With regard to the sudden Expedition, which I had projected for execution the beginning of this month, which I had the Honor of mentioning to your Lordships, General Amherst to whom I communicated my design, having signified his opinion that no shew of an attempt should be made unless it could be realized; I laid it aside (tho' everything was ready and our Provincials Eager for that service) as I would avoid taking any measure, that might in the most remote degree or consequence interfere with, or render less effectual the General, and I hope decisive Plan of Operations to be executed by Colonel Grant.

By the last Accounts I received from Fort Prince George dated the twelfth Instant, I am informed that the Cherokee Indians who went to Fort L'Assomption were returned with French Men and Presents, tho' I believe neither

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in great number; that they declare on the Approach of our Army, they will put to death all the English in their Hands, That the Cherokees of the Lower Towns near Fort Prince George being in great want of Corn, the Creeks have invited them to remove to their Towns, have offered them Provisions, Protection, and even assistance in case the English march an Army to attack the Cherokees. I hear those Cherokees were to remove soon accordingly. What this may produce further in the Creeks is difficult to guess, tho' their Motions must be well attended to. Upon the latter Intelligence I thought it proper to check supplying the Creeks with such large quantities of Goods as have very lately been carried to them by Men of desperate Fortunes and Minds, that the Creeks may not have such Superfluities for their new Inmates. And that this may be done the more effectually, I have desired the Assistance of Governour Wright, as the Trade is carried necessarily through Georgia, and I doubt not of his Concurrence therein. And with regard to the former Intelligence, As I cannot think the Lives of His Majesty's

Unhappy

Unhappy Subjects in Captivity among the Cherokees to be safe as Prisoners of War, but consider them as Slaves in the hands of perfidious Barbarians, whose savage Dispositions may very probably execute their inhuman purposes with aggravated cruelties, instigated by their wants, their resentments and Apprehensions of our Army; I was willing to try what could be done by the Method of purchasing their Lives and Liberty, and have prevailed on the Assembly to assist me therein. I have accordingly sent up Goods bought in Charles Town, to the Amount of near Nine hundred pounds sterling, to be applied in redeeming the English from the Indians, which I am in hopes their wants of Cloathing and Scarcity of Provisions may induce them to comply with. The Officers who commanded in Fort Prince George during the disagreable Acts of confining their relations as Hostages, and afterwards putting them to Death, are relieved, and such sent up as are well esteemed by the Indians during their former Duty there. This change I flatter myself may contribute much to our success therein. And in order to remove every Obstacle

that

that might prevent it, I have empowered the Officer to pledge my Word, that if all the English are then delivered up, I will deliver up also such Cherokees as were brought down Prisoners by Colonel Montgomery. As any difficulty on that subject might render this humane Scheme abortive, and prove fatal to all the English Captives.

These Goods for Redemption are now on the Road up, and are to go with the Escort of five hundred and fifty Rangers, whom I have ordered to throw in a supply of Fourteen thousand weight of Flour, about forty Steers and two hundred Hogs, to subsist the Garrison of Fort Prince George, till the Army goes up, I have encreased the number of Men, that the convoy may be above any Insult from the Enemy.

I had the Honour of acquainting your Lordships last Summer of the charitable Intention of the Assembly, according to my Message of the first day of July last, desiring them to enable me to feed the Hungry and cloathe the naked, who had escaped the destructive hand of the Enemy, by taking shelter in the private Frontier Forts, which hath not only answered

those

those ends, but produced other good Effects. For the supplying them with provisions for their subsistence, with coarse Woolens and Linens, for their Cloathing, and Ammunition for their defence at the Publick charge hath furnished them with such Spirits, and such means to stay, that I have the satisfaction to acquaint your Lordships, that not one Fort hath broken up since that time. And the number of People thus circumstanced, according to the best Judgment I can form from their returns, amounts to about Fifteen hundred and forty, And it is with great pleasure I inform your Lordships, that near every Fort they have sown a considerable quantity of Winter Grain, which I hope they will have the good Fortune to reap plentifully and securely for their future subsistence; Thus are they usefully continued in possession of the Frontier, which if wholly deserted, would even after a Peace, be very slowly resettled, while any remembrance of the late Devastation remained.

And altho' the lower Chickesaws live in Georgia, yet as by their espousing our cause against the Cherokees, they dare not venture to

hunt

hunt to supply their wants. The Assembly have voted a large supply of Corn for them, as they are in distress on that account. The like care and expence the Catawbas merit and receive from us, and Cloathing is given to both Tribes.

I have taken the Liberty to transmit to your Lordships from the Custom House Books, a general View of the Trade of this Province, for last year. Tho' I must observe that the Article of Rice raised in 1760 which is now beginning to be exported, will exceed by Forty thousand Barrels what was raised in 1759, owing to an encreased quantity planted, on account of the discouragement which Indigo meets with in Great Britain. Your Lordships will permit me to say, that this large Crop of Rice, would have been much diminished had the Militia been harassed, by forming Armies of them, last Summer, which, as I saw no necessity or advantage thereof, I omitted.

Copies of the Acts past last Year, and Journals of the Council and Assembly shall be sent to your Lordships by the safe conveyance of His Majesty's ship Mercury, who convoys the first

Fleet

Fleet of Merchant Men that sails this year.

I used the greatest diligence in demanding the necessary supplies for the ensuing Campaign, which were granted by the Assembly with equal unanimity and dispatch, and the business of a Session concluded in less than fourteen days, not by Acts, but by Resolutions, and votes of Credit, which on these occasions are virtually continued notwithstanding Prorogations and Dissolutions, And are observed by succeeding Assemblies with great punctuality. This Dispatch was necessary least by an authentic Notification of a late event that happened in Great Britain, which I daily expect to receive, Our Assembly should have been dissolved, and I be thereby deprived of their assistance for forty days, to the great Detriment of Her Majesty's service at this critical Season, when Preparations are to be made for the ensuing Campaign.

Your Lordships will please to pardon the great length of this Letter, which I thought necessary, that your Lordships might have a full state of our affairs in General before the opening the Campaign. And I am willing to hope that when the Extent and Necessity of our various

undertakings

undertakings, When the greatness of our Expence, and the smallness of our numbers are considered, this Province will appear to have exerted her utmost endeavors in her defence, And that what ever Assistance His Majesty shall be graciously pleased to grant for our present better defence, or our future relief, will not be thought wantonly asked, or undeservedly bestowed.

I have the Honor to be with the greatest respect

My Lords,

Your Lordships

Most obedient

And most humble servant

Wm Bull.

To

The Right Honble the

Lords Commissioners for

Trade and Plantations

White-Hall.

M. 20

Received March 25th
Read April 1st } 1761.

B.P.R.O. So. Carolina B. T. Vol. 20 M. 21

Inclosure in Govr Bull's letter of the 29th Jany 1761.

So. Carolina

Account of the Vessels entered and cleared at the Port of Charles Town between 5th Jany 1760 and 5th Jany 1761 — and of the Imports and Exports during the said time.

M. 21.

Received March 25th
Read April 1st } 1761.

B. P. R. O. South Carolina Vol 29

Whitehall 11 Feb.y 1761

To the Right Hon.ble William Pitt

One of His Maj.ty's principal Secretaries of State

Sir

Having received a Letter from William Bull Esq. Lieutenant Governor of His Majesty's Province of South Carolina dated the 17.th of December last in which he acquaints that it is reported that the French have built a Fort on the Tenessee or Cherokee River nearly in the Midway between Fort Loudoun and Fort L'Assomption on the Ohio We think it our duty to transmit to you the inclosed Extract of the said Letter

We are Sir &c.

Dunk Halifax

Soame Jenyns

W. G. Hamilton

Edw.d Eliot

Edw.d Bacon

B. P. R. O. B. T. South Carolina Vol 29

To Whitehall 17 Febr.y 1761

The Right Hon.ble William Pitt

One of His Majestys Principal Secretaries of State

Sir

Mr. Joseph Stephenson having been appointed by His late Majty to be Naval Officer of the Province of South Carolina and appearing to us to be well qualified to serve his Majesty in that Station. We desire you will be pleased to move his Majesty that the said Mr. Stephenson may be continued in the said Office by His Majestys Royal Appointment And we beg leave to inclose a Warrant which we have prepared to that Effect for His Majestys signature in case His Majesty shall be graciously pleased to approve of this our humble Recommendation

We are Sir

Your most obedient and most humble Servt

Lund Halifax. Soame Jenyns H. Sloper

H. S. Hamilton. Edwd Eliot. Edwd Bacon

(Inclosure)

G. R.

Trusty and wellbeloved We greet you well Whereas we have taken into Our Royal Consideration the Loyalty Integrity and Ability of Our Trusty and Wellbeloved Joseph Stephenson Gentleman We have thought fit hereby to Authorize and require you forthwith to cause Letters Patent to be passed under Our Seal of that Our

(Province)

Province of South Carolina in America for constituting and appointing him the said Joseph Stephenson Clerk of the Naval or Navy Office in our said Province To have hold exercise and enjoy the same unto him the said Joseph Stephenson by himself or his sufficient Deputy or Deputies during our pleasure together with all and singular the Fees Rights, Priviledges Perquisites and Advantages to the said Office and place belonging or appertaining, with a proviso that nothing in the said Letters Patent contained shall Extend or be construed to extend to the prejudice or disadvantage of the Office of Our High Admiral of Great Britain or of our Admiralty of Our Foreign Plantations for the time being, or of any of the Rights Priviledges Jurisdictions Powers and Authorities to the same in any wise Appertaining, and your are to cause to be inserted in Our said Letters Patent a clause for revoking and determining the last Letters Patent whereby the said Joseph Stephenson was constituted Clerk of the Naval or Navy Office in our said Province of South Carolina And for so doing this shall be your Warrant. Given at our Court of St. James's the day of 1761 in the 1st Year of Our Reign By His Majty Command

Superscription

To our Trusty and Wellbeloved William Bull Esq. Our Lieut. Governor and Commander in Chief of Our Province of South Carolina in America or in his absence to the President of Our Council and Commander in Chief of Our said Province for the time being

B.P.R.O. So. Carolina. B.T. Vol 20. M 22.

Charles Town, South Carolina
17th February 1761.

My Lords,

On the 31st of January late at Night being Friday, I was honoured with your Lordships commands inclosing the Orders from the Right Honourable the Lords of His Majesty's most Honourable Privy Council, notifying the demise of His late Majesty, of ever Blessed and glorious Memory, and requiring me with the Assistance of His Majesty's Council for this Province with others the Principal Planters and Merchants to proclaim that the High and Mighty Prince George, Prince of Wales, is now by the Death of our late Sovereign of Happy and Glorious Memory become our only Lawful and rightful Liege Lord George the third, by the Grace of God King of Great Britain, France and Ireland, Defender of the Faith, Supreme Lord of the Province of South Carolina, and all other his Majesty's Territories and Dominions in America. Whereupon early on the day following I gave Publick notice

that

that on the second Day of February I should proclaim His Majesty's Accession to the Imperial Crowns of Great Britain, France and Ireland, and so forth, inviting every Loyal Subject who could conveniently attend to assist therein; And accordingly Monday the second instant all His Majesty's Regular Troops, and the Militia of this Town being under Arms in one Line, extending from the Council Chamber to the Main Guard and a great number of the Principal Planters and Merchants; the Officers of His Majesty's ships of War in this Harbour, and other Officers Civil and Military who were not obliged to be on Duty with their respective corps being assembled in the Council Chamber, I there signed and read aloud the said Proclamation, and from thence proceeded to the Square in the Front of the Council Chamber where a great Concourse of People of all Ranks attending, His Majesty was proclaimed a first time. His Majesty was then proclaimed a second time at the Main Guard House. The Procession then went on to Granville Bastion, the Regulars and Militia accompanying and being drawn up on the Bay. His Majesty was

was proclaimed a third time at Granville's Bastion, which was followed by a triple Discharge of Cannon from the several Bastions of Charles Town and Fort Johnson and Volleys of small Arms from the Troops with the universal acclamations of the People.

It is with the greatest pleasure to myself and justice to this Province that I have the Honour to acquaint your Lordships, that every demonstration of Loyalty and Affection to His most Sacred Majesty was shewn upon this joyful occasion by all Ranks of People, with a dutiful remembrance and most grateful sense of the many Benefits received during the long and glorious reign of His late Majesty our most gracious Sovereign & Royal Grandfather.

I have caused the said Proclamation to be published in the Camp at Congarees, In the Ports of Beaufort Port Royal, and George Town, Winyaw; And the next morning I published His Majesty's Proclamation declaring His Majesty's Pleasure for continuing the Officers in His Majesty's Plantations, till His Majesty's pleasure shall be further known. And I also published

published His Majesty's Order in Council to the Clergy, for altering the form of praying for the Royal Family.

And as there is no Law in this Province which provides for the continuance of the General Assembly for any time after the Demise of the King, I immediately issued Writs for electing a new Assembly that they might without loss of time proceed in dispatching the ordinary Business of the Season, as well as be ready for any extraordinary Emergency which might demand their assistance at this critical Conjuncture.

A few days ago arrived in this Town, in consequence of an Invitation I had sent him, the Wolf King from the Creek Nation, who by the protection he gave to the Traders when so many Englishmen were murdered there last May, and by his constant behaviour since, has shewn himself sincerely attached to the British Interest, He came hither from Georgia. And I must here take leave to observe to your Lordships, that altho' the Presents which His Majesty has been graciously pleased to send to this Province for

for his Indian Allies have been a long time exhausted, Governor Wright of Georgia informed me that he had prevailed on the Wolf to be satisfied with a small Quantity of Presents there, by flattering his expectations of receiving them with a very liberal Hand from this, as the much richer Province, which in some measure obliged me to give for both. However I hope some very good Effects will be produced from the large Presents and reasonable Talks which I have given him, as well as the Interview which I procured at my own House, between the Mohawks and Creeks, in which the great Successes of His Majesty's Arms to the Northward, and the hostile intentions of the Mohawks against the Cherokees as a Testimony of their Friendship to the English, were placed in their fullest light, and gained the highest Credit, as being related by Indians to Indians, which will receive no small addition, from his seeing so great a number of His Majesty's Troops in Charles Town, which he knows to be destined against the Cherokees.

Some Creeks last Fall having joined some Chactaws in the English Interest, in an attack against

against some French Chactaws near Tombigby Fort, the latter have lately killed some Creek Indians. This, it is apprehended may occasion a General War between the two Nations. If this Event should happen, I think we may rest secure against the danger of the Creeks joining the Cherokees against us. Altho' without that diversion the Creeks have seen so much of the distress and poverty of the Cherokees, and so little of the promises of Assistance performed by the French, that the Generality of the Creeks I believe will be wise enough to avoid falling into their unhappy situation.

As His Majesty's Ship Dolphin under the Command of Captain Marlow, upon my request that he would stay to convoy a Fleet of Merchant men that will be ready to sail for Great Britain in about six or eight weeks, is to remain here for that purpose, I shall be able to give your Lordships some account by that time of the junction of all our Troops and their being advanced perhaps beyond the Congarees, unless your Lordships have the satisfaction of receiving it from the hands of Governor Coronal, who

who probably will arrive here before that time.
I have the Honour to be with the greatest respect
My Lords
Your Lordships
Most obedient and
Most humble Servant
Wm Bull.

To
The Right Honble the
Lords Commissioners for
Trade and Plantations
White-Hall

M. 22.
Received March 27.
Read April 1. } 1761

B.P.R.O. So. Carolina B.T. Vol. 20 M. 23.

Charles Town, South Carolina
17th February 1761

My Lords,

In obedience to your Lordships Commands signifyed to me by your Secretary Mr Pownall, I shall use my utmost endeavors to collect Copies of the Printed Laws of this Province in order to be transmitted to Great Britain for your Lordships perusal. And for that purpose have ordered Advertisements to be published in our Gazettes, promising a good reward to any Persons who have such to dispose of, for I beg leave to observe to your Lordships, that the Collection of the Laws were printed by Subscription, and that a very few copies more were printed than what were subscribed for. And as there was no Book binders at that time in this Province, there are now but very few compleat Sets remaining. And in case I am not able to succeed therein at the Meeting of the next Assembly the twenty sixth day of March, I shall employ some proper person to transcribe such of our Laws as

as are now in Force, from the earliest times of this Colony in one Volume, and endeavour to collect several Sets of the later Laws, each of which shall be bound up.

By His Majesty's Ship Mercury I sent to your Lordships, Copies of the Laws that have been passed, since my entering on the Administration, and Copies of the Upper House Journals and Minutes of Council from the 4th July 1759. to the 4th July 1760. And by His Majesty's Ship Dolphin I shall endeavour to have them brought up near the time of her sailing, that they may be sent by her, as also the Journals of the Common House of Assembly, which are not yet ready, as His Majesty's ship Mercury sailed sooner than was expected. The Journals of the Assembly now sent are concluded in last August, with the Triennial term of their continuance.

I have the Honour to be with the greatest respect,

My Lords, Your Lordships

Most obedient & most humble servant

Wm Bull

To

The Right Honble the Lords

Commrs for Trade & Plantations

White Hall. M. 23.

Recd March 27.
Read April 1. } 1761.

B.P.R.O. America & W. Indies Vol. 93.

Charles Town. South Carolina
18th February 1761.

Sir,

In obedience to His Majesty's Commands signified to me by your Letter of the 23rd of last August, concerning the punishing, suppressing or preventing an illicit Trade carried on by His Majesty's Subjects with His Majesty's Enemies, I have the Honour to acquaint you, that this pernicious Intercourse with the French hath been so artfully managed as to be carried on under the colour of Law, as appears by the Decrees of the Court of Vice Admiralty in this Province, dismissing the Prizes on a litigation when they have been taken coming from Spanish Ports with French produce on board. The Collector of His Majesty's Customs, who is extremely well acquainted with, and most punctual in executing the Laws that are to guide his conduct thinks himself obliged by the Laws of Trade and Navigation to clear out any Vessel to Spanish Ports in America. These Traders thus cleared out,

out, carry legally to Monte Christo and Leuceola, such Cargoes as they know are wanted by the French, and by a special Alienation of Property through the Hands of Spaniards barter what the French want for produce of the French Colonies, And a few days ago, a Sloop was brought in by Captain Marlow Commander of His Majesty's Ship Dolphin, on a suspicion of being concerned in trading with the French at Monte Christo, But upon the most particular examination taken in presence of Captain Marlow and myself, by Mr Grame His Majesty's Attorney General for this Province, it was his opinion upon considering the whole, altho' there was great cause to suspect there had been guilt, there was not sufficient evidence to convict them either of High Treason or any illicit Trade; for I had determined if there had been sufficient evidence of their having supplied His Majesty's Enemies with any Aid within the Statute of the 25th of Edward 3d to have sent them Prisoners to Great Britain, in order to receive their Tryal for that Offence in Westminster Hall.

When this Trade so detrimental to His

Majesty's

Majesty's Service, but so lucrative as to tempt many to engage in it, had become so publick and notorious, and I was informed of its being carried on at Pensacola, whereby the French at Mobille were furnished with such supply of Indian Goods as enabled them to fulfil their promises to the Indians in those parts, which tended much to encourage the Cherokees to continue the War with us, and had almost debauched the Creeks into an open rupture, I was willing to do everything within the power of this Government to prevent any Person in this Province from engaging in that pernicious Trade, and therefore in the beginning of last June a Law was passed here, whereby the exportation of Provisions and of all Goods and Ammunition necessary for the Indian Trade were prohibited, unless under certain strict regulations, which during the time it was in force produced a very good effect, by having prevented some from engaging in that Trade. I must beg leave however to observe to you that this Act was by some Lawyers thought null, as it restrained the exportation, and consequently the consumption

of

of British Commodities; but so apparent was its utility that People universally acquiesced in it.

With regard to the evasive Method of carrying on an illicit Trade with the French under the colour of Flags of Truce, I am to acquaint you, that as there are no real French prisoners here, who have a right to be exchanged according to the Cartel, I have never granted one Flag of Truce, since my entering on the Administration of this Government, And I humbly offer it as my opinion that, until some new Laws are made by the Wisdom of Our Mother Country to remedy this Evil, if the Duties upon Foreign Spirits, panels and Molasses by 6. George II. were rigorously exacted by the Officers of his Majesty's Customs, and the clandestine Landing of them discouraged, by watchfully seizing them in such case, the High Duties and Losses by seizure, would in a great measure put an end to this Trade, And the presumption that much Molasses hath been thus illegally carried into some Northern Colonies seems well founded, if the great quantities of Rum exported as distilled there

there are compared with the Molasses imported, according to the Custom House Books of the respective Colonies.

Whenever I shall discover anything further, relative to this Evil, I shall immediately lay the same before you.

I have the Honour to be with the greatest respect, Sir,

Your most obedient
And most humble Servant
Wm Bull

To
The Right Honble
William Pitt Esqr one of
His Majesty's Principal Secretaries
of State.
White Hall.

Received March 28th

B.P.R.O. B.T. South Carolina Vol 29

11 March 1761

To

The Kings Most Excellent Majesty

May it please Your Majesty

William Bull Esq. Lieutenant Governor of the Province of South Carolina and David Graeme Esq. Attorney General of the said Province, having been apporinted to those Offices by His late Majesty and appearing to us to be well qualified to serve Your Majesty in those Stations We beg leave humbly to propose to Your Majesty that they may be continued in the said Offices respectively by Your Majestys Royal Appointment

Which is most humbly Submitted

Dunk Halifax

Soame Jenyns

W. G. Hamilton

W. Sloper

Edw.d Bacon

B.P.R.O. B.T. South Carolina Vol 29

To Whitehall 11th March 1761

The Right Hon William Pitt

One of His Majtys Principal Secretaries of State

Sir

Dougal Campbell Esqr having been apponted by His late Majty to be Clerk of the Common Pleas in the Province of South Carolina, and appearing to us to be well qualified to us for that Station We desire you will be pleased to move His Majesty that the said Mr Campbell may be continued in the said Office by His Majestys Royal Apporntment. We beg leave to inclose a Warrant which we have prepared to that Effect for His Majestys Signature in case His Majesty shall be graciously pleased to approve this our Humble Recommendation. We are Sir

Your most obedt and most humble Servants

Dunk Halifax. W. G. Hamilton W. Hoper

Soame Jenyns Edward Bacon.

(Inclosure)

G. R.

Trusty and Wellbeloved we Greet you well Whereas we have taken into consideration the Loyalty, Integrity and Ability of our Trusty and Wellbeloved Dougal Campbell Esq We have thought fit hereby to Authorize and require you forthwith to cause Letters Patent to be passed under our Seal of our Province of South Carolina for Constituting and apponting him the said Dougal Campbell Clerk of the Common

(Pleas)

Pleas in our said Province To have hold exercise and enjoy the said Office unto him the said Dougal Campbell during our pleasure and his Residence within our said Province with all and singular the Rights Salaries. Fees. Profits. Priviledges and Emoluments thereunto belonging or appertaining And you are to cause to be inserted in the said Letters Patents a Clause for revoking and determining the last Letters Patent whereby the said Dougal Campbell was constituted Clerk of the Common Pleas in our said Province of South Carolina. And for so doing this shall be Your Warrant. and so We bid you farewell. Given at Our Court at St. Jamess the day of 1761 in the first Year of our Reign. By His Majestys Command.

Superscription

To Our trusty and Wellbeloved William Bull Esq our Lieutenant Governor and Commander in Chief of Our Province of South Carolina in America. or in his absence to the President of Our Council and Commander in Chief for the time being

B.P.R.O. B.T. South Carolina Vol 29

Whitehall 17 March 1761

To the Kings most Excellent Majesty

May it please Your Majesty

The Office of Chief Justice of your Majesty's Province of South Carolina being vacant by the death of Peter Leigh Esq and Charles Skinner Esq. having been recommended to us as a person who is well qualified to serve your Majesty in that Station We beg leave to humbly propose to your Majesty that he may be appointed Chief Justice of the said Province of South Carolina in the room of the said Peter Leigh Esq deceased

Which is most humbly submitted

Dunk Halifax

H. S. Hamilton

H. Sloper

Edw.d Bacon

B P R O B T South Carolina Vol 29

Whitehall 17th March 1761

To the Kings most Excellent Majesty

May it please Your Majesty

Thomas Pownall Esq Governor in Chief of Your Majesty's Province of South Carolina having signified to us his desire of obtaining your Majestys permission to resign that Government We beg leave in case Your Majesty shall be graciously pleased to accept the said Governors resignation humbly to propose that Thomas Boone Esq the present Governor of Your Majestys province of New Jersey may be appointed a Captain General and Governor in Chief of the said province of South Carolina in the room of the said Thos Pownall Esq. And if Your Majesty shall be graciously pleased to approve this our humble Recommendation We further beg leave to propose to Your Majesty that Josiah Hardy Esq who appears to us to be well qualified to serve Your Majesty in that Station may be appointed Captain General and Governor in Chief of the Province of New Jersey in the Room of the said Thomas Boone Esq

All which is most humbly submitted

Dunk Halifax

H. Sloper

Edwd Bacon

B.P.R.O. So. Carolina. B.T. Vol. 20. M. 25

At the Court at St. James's
the 17th day of March 1761.
Present
The King's most Excellent Majesty
in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 11th of this instant, proposing that William Bull Esqr Lieutenant Governor of the Province of South Carolina, and David Graeme Esqr Attorney General of the said Province, both of whom His late Majesty was pleased to appoint to those Offices, may be continued in their said Offices by His present Majesty's Royal Appointment. His Majesty in Council approving thereof, is pleased to order, as it is hereby Ordered, that the said William Bull and David Graeme Esqrs be continued in their said Offices respectively in the Province of South Carolina. And that the said Lords Commissioners for Trade and Plantations do cause a Commission to be prepared for

for appointing William Bull to be Lieutenant Governor of the Province of South Carolina, and that they do likewise cause a Warrant to be prepared for appointing David Graeme Esq to be Attorney General of the said Province, and lay the same before His Majesty at this Board for His Royal Approbation.

W. Sharpe.

No. 25.
Received April 1st
Read do } 1761.

B. P. R. O. So. Carolina. B. T. Vol. 20. M. 22

At the Court at St. James's
the 20th day of March 1761
Present
The Kings most Excellent Majesty
in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 17th of this Instant proposing that Thomas Boone Esqr the present Governor of His Majestys Province of New Jersey may be appointed Captain General and Governor in Chief of His Majestys Province of South Carolina, in the room of Thomas Pownall Esqr who hath desired leave to resign. His Majesty in Council approving thereof, is pleased to order as it is hereby Ordered, that the said Thomas Boone be constituted and appointed Captain General and Governor in Chief of His Majesty's said Province of South Carolina in the room of the said Thomas Pownall. And that the said Lords Commissioners do prepare a draught of a Commission and likewise a

Warrant

Warrant for passing such Commission under the Great Seal, And that they do also prepare Draughts of Instructions for the said Thomas Boone, and lay the same before His Majesty at this Board for His Royal Approbation.

W. Sharpe.

M. 24.
Received April 1st
Read 9th
1761

B. P. R. O. So: Carolina. B. T. Vol. 20. M. 26.

At the Court at St. James's
the 20th Day of March 1761.
Present
The King's most Excellent Majesty
in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations dated the 17th of this instant proposing that Charles Skinner Esqr. may be appointed Chief Justice of His Majesty's Province of South Carolina in the room of Peter Leigh Esqr. deceased — His Majesty in Council approving thereof, is pleased to Order, as it is hereby Ordered, That the said Charles Skinner be constituted and appointed Chief Justice of His Majesty's said Province of South Carolina in the room of the said Peter Leigh deceased — And that the said Lords Commissioners do cause a Warrant to be prepared for that purpose, and lay the same before His Majesty at this Board for His Royal Approbation.

W. Sharpe.

57

M. 26.
Received April 1st }
Read Do } 1761.

P. P. R. O. B. T. South Carolina Vol 29

Whitehall 1st April 1761

To the Kings most Excellent Majesty

May it please Your Majesty

In obedience to Your Majesty's order in Council dated the 20th of March last We have prepared the Draft of a Commission for Thomas Boone Esqr to be Captain General and Governor in Chief of Your Majesty's province of South Carolina in America and also a Warrant for passing the same under the Great Seal which being in the usual form We herewith humbly lay them before Your Majesty and shall prepare the necessary Instructions for the said Governor with all possible dispatch Which is most humbly submitted

Sandys. Andrew Stone

Soame Jenyns. John Yorke

(Inclosure)

Our Will and pleasure is that You do prepare a Bill for our Royal Signature to pass our Great Seal of Great Britain in the Words or to the Effect following

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To our Trusty and Wellbeloved Thomas Boone Esq Greeting Whereas our late Royal Grandfather of blessed Memory did by His Letters Patent under the Great Seal of Great Britain bearing date at Westminster the day of in the year of his Reign constitute and appoint Thomas

(Journall)

Pournall Esq to be Captain General and Governor in Chief in and over Our province of South Carolina in America for and during His late Majestys Royal Will and pleasure as by the said Recited Letters Patent relation being thereunto had may fully appear Now Know you that We have revoked and determined and by these Presents do revoke and determine the said recited Letters Patent and every Clause Article and thing therein contained And further Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said Thomas Boone of Our especial Grace certain knowledge and mere Motion have thought fit to constitute and appoint and by these presents do constitute and appoint you the said Thomas Boone to be Our Captain General and Governor in Chief in and over our said Province of South Carolina in America. And we hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the trust we have reposed in you according to the several powers and Authorities granted or appointed you by this present Commission and the Instructions hereunto given you or by such further powers Instructions and Authorities as shall at any time hereafter be granted & appointed You under Our Signet or Sign Manual or by Our Order in Our Privy Council and according to such reasonable Laws and Statutes as are now in force or hereafter shall be made and agreed upon by you with the Advice and Consent of Our Council and the Assembly of Our said Province under your Government in such manner

(and)

and form as is hereafter expressed And our Will and Pleasure is that you the said Thomas Boone (after the publication of these our said Letters Patent) do in the first place take the Oaths appointed to be taken by an act passed in the 1st Year of the Reign of King George the First of Blessed memory entituled An Act for the further Security of His Majestys person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors, as also that you make and subscribe the Declaration mentioned in an Act of Parliament made in the Twenty Fifth Year of the Reign of King Charles the second entitled An Act for preventing dangers which may happen from Popish recusants and likewise that you take the usual Oath for the Execution of the Office and Trust of our Capt.n General and Governor in Chief of our said Province of South Carolina for the due and Impartial Administration of Justice and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to the plantations be observed which said Oaths and declaration Our Council in our said Province or any three of the Members thereof have hereby full power and Authority and are required to tender and Administer unto you and in your absence to our Lieutenant Governor if there be any upon the place all which being duly performed you shall Administer unto the Members of our said Council as also to our Lieutenant Governor if there be any upon the place the said Oaths mentioned in the said

(Act)

Act entituled An Act for the further Security of His Majestys person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and secret Abettors. as also to cause them to make and subscribe the aforementioned Declaration and to Administer to them the Oath for the due Execution of their places and Trusts. And We do hereby give and grant unto you full power and Authority to suspend any of the Members of the said Council from sitting Voting and assisting therein if you shall find just cause for so doing. and if there shall be any Lieutenant Governor him likewise to suspend from the Execution of his Command and to appoint another in his stead until our pleasure be known. and if it shall at any time happen that by the Death departure out of our said province. suspension of any of our said Councillors or otherwise. there shall be a Vacancy in Our said Council (any three whereof We do hereby appoint to be a Quorum) Our Will and Pleasure is that you signify the same unto us by the first opportunity. that We may under our Signet and Sign Manual constitute & appoint others in their Stead. But that our Affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than seven of them residing in our said province We do hereby Give and Grant unto you the said Thomas Boone full power and Authority to choose as many persons out of the principal Freeholders. Inhabitants thereof as will make up the full

(number)

number of our Council to be Seven and no more, which persons so chosen and appointed by you shall be to all intents and purposes Councillors in Our said Province, until either they shall be confirmed by Us, or that by the Nomination of others by Us under Our Sign Manual and Signet Our said Council shall have seven persons or more in it And We do hereby Grant unto you full power and Authority with the Advice and Consent of Our said Council from time to time as need shall require to summon and call General Assemblies of the said Freeholders and Planters within Your Government according to the Laws and Usages of our said Province of S.o Carolina And our Will and Pleasure is that the persons thereupon duly elected, by the Major part of the Freeholders, according to such Laws and Usages as aforesaid, and of the respective Counties and Places and so returned shall before their sitting take the Oaths mentioned in the said Act entituled An Act for the further Security of His Majestys person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended prince of Wales and his open and secret Abettors; as also to make and subscribe the forementioned Declaration, which Oaths and Declaration you shall commissionate fit persons under our Seal of South Carolina to tender and Administer unto them and until the same shall be so taken and subscribed, no person shall be capable of sitting tho Elected And We do hereby declare that the persons so elected and qualified shall be

(called)

called and dumed the General Assembly of that our said Province of South Carolina And that you the said Thomas Boone with the consent of our said Council and Assembly or the Major part of them respectively shall have full power and Authority to make, constitute and ordain Laws Statutes and Ordinances for the Public peace Welfare and good Government of our said Province and of the people and Inhabitants thereof. and such others as shall resort thereto and for the Benefit of us our Heirs and Successors which said Laws Statutes and Ordinances are not to be repugnant, but as near as may be agreable to the Laws and Statutes of this Our Kingdom of Great Britain Provided that all such Laws Statutes and Ordinances of what nature and duration soever. be within three months or sooner after the making thereof transmitted unto us under our said Seal of South Carolina for our Approbation or disallowance of the same as also duplicates thereof by the next conveyance And in case any or all of the said Laws Statutes and Ordinances not confirmed by Us shall at any time be disallowed and not approved and so signified by Us Our Heirs or Successors under Our or Their Signet or Sign Manual or by Order of Our or their Privy Council unto you the said Thomas Boone or to the Commander in Chief of our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine and become utterly void and of none effect anything to the contrary Notwithstanding. And to the

(end)

end that nothing be passed or done by Our said Council or Assembly to the prejudice of Us our Heirs or Successors we Will and Ordain that you the said Thomas Boone shall have and enjoy a negative Voice in the making and passing of all Laws Statutes and Ordinances as aforesaid And you shall and may likewise from time to time as you shall judge it necessary. Adjourn Prorogue and dissolve all General Assemblies as aforesaid.

Our further Will and Pleasure is that you shall and may keep and use the Public Seal of our Province or Territory of South Carolina for Sealing all things whatsoever that ought to pass the Seal of our said Province under your Government And we do further Give and Grant unto you the said Thomas Boone full power and Authority from time to time and at any time hereafter by yourself or by any other to be authorised by you in that behalf. to administer the Oaths mentioned in the said Act for the further Security of His Majestys person and Government and the succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the hopes of the pretended Prince of Wales and his open and Secret Abettors. to all and every such person or persons as you shall think fit who shall at any time or times pass into our said Province or shall be resident or abiding there And We do by these presents Give and Grant unto you the said Thos Boone full power and Authority with the advice and Consent of our said Council to Erect Constitute and Establish such and so many

(Courts)

Courts of Judicature and public Justice within our said Province and Territory as you and they shall think fit and necessary for the hearing and determining of all Causes as well Criminal as Civil according to Law and Equity and for the awarding of Execution thereupon with all necessary powers Authorities Fees and privileges belonging thereunto. as also to appoint and Commissionate fit persons in the several parts of your Government to administer the Oaths mentioned in the foresaid Act as also to tender and Administer the aforesaid Declaration unto such persons belonging to the said Courts as shall be obliged to take the same And We do hereby Authorize and Empower you to constitute and appoint Judges. and in cases requisite Commissioners of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in our said Province for the better administration of Justice and putting the Laws in Execution. and to Administer or cause to be administered unto them such Oath or Oaths as are usually given for the due Execution and performance of Offices and places and for the clearing of Truth in Judicial Causes And we do hereby Give and Grant unto you. full power and Authority where you shall see cause or shall Judge any Offender or Offenders in Criminal Matters. or for any Fines or Forfeitures due unto Us fit objects of our Mercy to pardon such Offenders and to remit all such Offences Fines and Forfeitures Treason and Wilful Murder only excepted. in which cases you shall likewise have power upon Extraordinary occasions to grant Reprieves to the Offenders until and to the intent Our Royal Pleasure may be

(known)

known therein And we do hereby by these presents authorise and impower you to collate any person or persons to any Churches Chapels or other Ecclesiastical Benefices within our said Province and Territory aforesaid to which the our Heirs and Successors are or shall be entitled to collate as often as any of them shall happen to be void And we do hereby Give and Grant unto you the said Thomas Boone by yourself or by your Captains and Commanders by you to be authorized full power and Authority to Levy Arm Muster Command and Employ all persons whatsoever residing within our said Province and Territory of South Carolina and as occasion shall serve to March from one place to another or to embark them for the resisting and withstanding of all Enemies Pirates and Rebels both at land and Sea and to transport such Forces to any of our Plantations in America if necessity shall require for the defence of the same against the Invasion or attempts of any of our Enemies and such Enemies Pirates and Rebels (if there shall be occasion) to pursue and prosecute in or out of the Limits of our said Province and Plantations or any of them. And (if it should so please God) them to Vanquish apprehend and take and being taken according to Law put to death or keep and preserve alive at your Discretion, and to execute Martial Law in time of Invasion or other times when by Law it may be executed and to do and execute all and every other thing and things which to our Captain General or Commander in Chief doth or ought of right to belong And we do hereby Give and Grant unto you full power and

(Authority)

Authority by and with the Advice and consent of Our said Council of South Carolina to erect raise and Build in our said Territory and province such and so many Forts and Platforms. Castles Cities Boroughs Towns and Fortifications as you by the Advice aforesaid shall judge necessary. and the same or any of them to Fortify and furnish with Ordnance. Ammunition and all sorts of arms fit and necessary for the security and defence of our said province and by the Advice aforesaid the same again or any of them to demolish or dismantle as may be most convenient And forasmuch as divers Mutinies and disorders may happen by persons shipt and employed at Sea. during the time of War. and to the end that such as shall be shipped and employed at Sea during the time of War. may be better governed and ordered. We do hereby Give and Grant unto you the said Thomas Boone full power and Authority to constitute and appoint Captains, Lieutenants. Masters of Ships. and other Commanders and Officers and to grant to such Captains Lieutenants. Masters of Ships and other Commanders and Officers Commissions to execute the Law Marhal during the time of War according to the directions of an Act passed in the Twenty second Year of the Reign of our late Royal Grandfather entituled 'An Act for amending. explaining and reducing into One Act of Parliament the Laws relating to the Government of His Majestys Ships and Vessels and Forces by Sea' and to use such proceedings. Authorities. punishments. Corrections and Executions upon any Offender or Offenders who shall be

(Mutinous)

Mutinous. Seditious. disorderly or any way unruly whether at Sea or during the time of their Abode or Residence in any of the Ports. Harbors or Bays of our said Province and Territory as the cause shall be found to require according to Martial Law and the Directions during the Time of War aforesaid. provided that nothing herein contained shall be construed to the enabling you or any by your Authority. to hold plea or have any Jurisdiction of any Offence Cause Matter or thing committed or done upon the High Seas or within any of the Havens Rivers or Creeks of our said Province and Territory under your Government by any Captain Lieutenant. Master. Officer. Seaman. Soldier or person whatsoever who shall be in our Actual Service. and Pay in or on Board any of our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Commissioners for Executing the Office of Our High Admiral. or from Our High Admiral of Great Britain for the time being under the Seal of the Admiralty. But that such Captain Commander. Lieutenant. Master Officer Seaman Soldier or other person so offending shall be left to be proceeded against and tryed as their Offence shall require either by Commission under Our Great Seal of Great Britain as the Statute of the Twenty Eighth of Henry the Eighth directs or by Commission from Our said Commissioners for executing the Office of Our High Admiral or from our High Admiral of Great Britain for the time being according to the Aforementioned Act entituled 'An Act for amending explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships and Vessels and Forces by Sea'

(and)

and not otherwise Provided nevertheless that all disorders and Misdemeanours committed on Shore by any Captain Commander. Lieutenant. Master. officer. Seaman. Soldier or other person whatsoever. belonging to any of our Ships of War or other Vessels acting by Immediate Commission or Warrant from our said Commissioners for executing the Office of High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty. may be tried and punished according to the Laws of the Place where any such Disorders Offences Misdemeanors shall be committed on Shore notwithstanding such Offender be in our Active Service and borne in our pay on board any such of our Ships of War or other Vessels acting by immediate Commission or Warrant from our said Commissioners for executing the Office of High Admiral or Our High Admiral of Great Britain for the time being as aforesaid. so as he shall not receive any Protection for the avoiding of Justice for such Offences committed on Shore. from any pretence of his being employed in Our Service at Sea And Our further Will and pleasure is that all Public Money raised or which shall be raised by any Act hereafter to be made within our said Province be issued out by Warrant from you. by and with the Advice and consent of the Council. and disposed of by you for the support of the Government and according to the Laws of our said Province of South Carolina and not otherwise And We do likewise Give and Grant unto you full power and Authority by and with the Advice and Consent of Our said Council to settle and agree with the Inhabitants of our said

(Province)

province for such Lands Tenements and Hereditaments as now are or hereafter shall be in Our power to dispose of and them to Grant to any person or persons upon such terms and under such moderate Quit Rents Services and Acknowledgements to be thereupon reserved unto us, as you by the Advice aforesaid shall think fit. which said Grants are to pass and be sealed by the Our public Seal of our s.d province and being entered upon Record by such Officer or Officers as are or shall be appointed thereunto shall be good and effectual in Law against us Our Heirs and successors And We do hereby Give and Grant unto you the said Thomas Boone full Power to order and appoint Fairs Marts and Markets as also such and so many ports Harbors Bays Havens and other places for convenience and security of Shipping and for the better lodging and unloading of Goods and Merchandizes. as by You with the Advice & Consent of the said Council shall be thought fit and necessary And We do hereby require and command all Officers and Ministers Civil and Military and all other Inhabitants of our said Province and Territory. to be obedient aiding and assisting unto you the said Thomas Boone in the Execution of this Our Commission. and of the powers and authorities herein contained and in case of your Death or Absence out of our said province to be obedient aiding and assisting unto such persons as shall be appointed by Us Our Heirs and successors to be Lieutenant Gov.r or Commander in Chief of Our said Province. to whom we do therefore by these

(Presents)

presents Give and Grant all and Singular the powers & Authorities
herein granted to be by him executed and enjoyed during Our
pleasure, or until Your arrival within Our said Province. and
whom we do hereby require to take all such Oaths and make
such declaration as are hereinbefore appointed to be taken and
made by you mutatis mutandis which said Oaths & Declaration
Our said Council in our said Province or any three Members thereof
have hereby full power and are hereby required to tender and ad-
minister And if upon your death or absence out of our said
Province there be no person upon the place Commissionated or
appointed by us to be our Lieutenant Governor or Commander
in Chief of our said Province Our Will and Pleasure is that the
eldest Councillor whose name is first placed in our S.d Instructions
to you and who shall be at the time of your death or Absence,
residing within our said Province and Territory of S.o Carolina
shall take upon him the Administration of the Government
and execute our said Commission and Instructions and the
several powers and Authorities therein contained in the same
manner and to all intents and purposes as other our Governor
or Commander in Chief should or ought to do in case of your absence
until your return or in all cases until our further Pleasure be
known therein And We do hereby declare Ordain and appoint
that you the said Thomas Boone. shall and may hold execute
and enjoy the Office and place of our Captain Gencral & Governor

(in)

in Chief of Our said Province and Territory of South Carolina. with all its rights. members and Appurtenances whatsoever. together with all and Singular the powers and Authorities hereby granted unto you. for and during Our Will and pleasure In Witness whereof We have caused these Our Letters to be made patent Witness our Self at Westminster the day of 1761 in the first Year of our Reign

And for so doing this shall be your Warrant Given at our Court at St. James the day of 1761 in the first Year of Our Reign

To Our Attorney and Solicitor General

B. P. R. O. B. T. South Carolina Vol 29

Whitehall 1st April 1761

To the Kings most Excellent Majesty

May it please Your Majesty

In obedience to Your Majesty's Order in Council dated the 17th of March last. We have prepared a Commission constituting & appointing William Bull Esq Lieutenant Governor of Your Majesty's Province of South Carolina. And We humbly beg leave herewith to lay the said Warrant before Your Majesty for Your Royal Signature

Which is most humbly submitted

John Yorke. Sandys. Andrew Stone. Soame Jenyns

(Inclosure)

G. R.

George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c To our trusty and Wellbeloved William Bull Esq Greeting. We reposing especial Trust and Confidence in your Loyalty Integrity and Ability do by these Presents constitute and appoint you to be Our Lieutenant Governor of our Province of So Carolina in America To have hold Exercise and Enjoy the said place and Office during Our Pleasure with all the Rights Priviledges Profits Perquisites and Advantages to the same belonging or appertaining and further in case of the Death or during the Absence of our Captain General and Governor in Chief of our said Province of So Carolina now and for the time being We do hereby Authorise and Require you to

exercise

exercise and perform all and singular the Powers and directions contained in Our Commission to Our said Captain General and Governor in Chief according to such Instructions as he hath already received from Us and such further Orders and Instructions as he or you shall here after receive from Us and We do hereby command All and singular Our Officers and Ministers and all loving Subjects in Our said Province and all others whom it may concern to take due notice hereof and to give their ready obedience accordingly Given at Our Court at St James's the day of 1761 in the first Year of our Reign

By His Majesty's Command

B. P. R. O. B. T. South Carolina Vol. 29

Whitehall 1st. April 1761

To the Kings most Excellent Majesty

May it please Your Majesty

In Obedience to Your Majestys Order in Council dated the 11th of March We have prepared a Warrant Authorising and Requiring the Governor or Commander in Chief of Your Majestys Province of South Carolina to cause Letters Patent to be passed under the Great Seal of that Colony for constituting and appointing David Graeme Esq to be Your Majestys Attorney General of and in the said Province. and We humbly beg leave hereuith to lay the said Warrant before Your Majesty for your Royal Signature. Which is most humbly submitted

Sandys Andrew Stone Soame Jenyns John Yorke

(Inclosure)

G R

Trusty and Wellbeloved We Greet you well Whereas we have taken into Our Royal consideration the Loyalty Integrity and Ability of our Trusty and Wellbeloved David Graeme Esq. We have thought fit hereby to Authorise and require you forthwith to cause Letters Patent to be passed under Our Seal of our Province of South Carolina constituting and appointing him the said David Graeme our Attorney General of and in Our said Province To have hold and enjoy the said Office unto him the said David Graeme during Our Pleasure and his Residence within Our said Province. together with all

(and)

and singular the Rights, Salaries Allowances Fees Profits Privileges and Emoluments thereunto belonging or appertaining in as full and ample manner as he the said David Graeme or any other person hath heretofore held and enjoyed, or of right ought to have held and enjoyed the same And you are to cause to be inserted in the said Letters Patent a Clause for revoking and determining the last Letters Patent whereby the said David Graeme was constituted Attorney General of Our said Province And for so doing this shall be Your Warrant and so we bid you farewell Given at Our Court at St. James's the day of 1761 in the first Year of our Reign. By His Majestys Command

Superscription

To Our Trusty and Wellbeloved Thomas Boone Esq Our Captain General and Governor in Chief in and over Our Province of South Carolina in America or in his Absence to our Lieutenant Governor or Commander in Chief of Our said Province for the time being

B P R O B J South Carolina Vol 29

Whitehall 1st. April 1761

To the Kings most Excellent Majesty

May it please Your Majesty

In obedience to Your Majesty's Order of Council dated the 20th of March We have prepared a Warrant authorising and requiring the Commander in Chief of Your Majesty's Province of South Carolina. to cause Letters Patent to be passed under the Seal of that Province, for constituting and appointing Charles Skinner Esq. Chief Justice of the said Province in the room of Peter Leigh Esq deceased And we humbly beg leave herewith to lay the said Warrant before Your Majesty for Royal Signature Which is most humbly submitted

Sandys Andrew Stone Soame Jenyns John Yorke

(Inclosure)

G R

Trusty and Wellbeloved we greet you well Whereas we have taken into Our Royal consideration the Loyalty ability and Integrity of our Trusty and Wellbeloved Charles Skinner Esq We have thought fit hereby to Authorize and require You forthwith to cause Letters Patent to be passed under Our Seal of Our Province of So. Carolina for constituting and Appointing him the said Charles Skinner Our Chief Justice of and in Our said Province in the room of Peter Leigh Esq deceased. to have, hold exercise and enjoy the said Office unto him the said Charles Skinner, for and during Our Pleasure and

(his)

his residence within our said province. together with all & singular the Rights profits Priviledges and Emoluments unto the said Place belonging in as full and ample manner as he the said Peter Leigh or any other person hath formerly held or of Right ought to have held and enjoyed the same with full power and authority to hold the Supreme Courts of Judicature at such places and times as the same may and ought to be held within our said province And for so doing this shall be your Warrant. and so we bid you farewell Given at Our Court at St. James's the day of 1761 in the First Year of Our Reign

By His Majesty's Command

B.P.R.O. B.T. South Carolina Vol 29

Whitehall 21st April 1761

To the Kings Most Excellent Majesty

May it please your Majesty

Thomas Boone Esq whom Your Majesty has been graciously pleased to promote from the Government of New Jersey, to that of the province of South Carolina having represented to us that it is necessary for the Settlement of his private Affairs, that he should return to England before he repairs to his said Government of South Carolina. We beg leave humbly to propose that your Majesty would be graciously pleased to Grant the said Governor your Royal Licence and permission to return to this Kingdom, and to remain here for the space of Twelve months for the settlement of his private Affairs

Which is most humbly submitted

Sandys

Andrew Stone

Soame Jenyns

Ed. Bacon

B.P.R.O. America & W. Indies Vol. 93.

Charles Town, South Carolina
26th April 1761.

Sir,

I am to acquaint you that at the last General Sessions of the Peace, Oyer and Terminer, Assize and General Goal delivery held at Charles Town, Jacob Wieber, Hannah Wieber, John Geiger and Jacob Bourghart were tried & found guilty of murder, and received sentence of death on the thirty first of March last; and in pursuance thereof Jacob Wieber was executed. I thought Hannah Wieber, John Geiger and Jacob Bourghart, who acted by his commands, to be objects of His Majesty's mercy and therefore respited them till His Majesty's pleasure therein shall be known. I beg leave to inform you of the nature of their Offence. In a remote part of the Province beyond the Congarees, where there is no Dutch Minister, these ignorant Germans from a pious desire of having some religion had unhappily formed a Sect of Enthusiasts. Jacob Wieber who impiously called himself

himself the most High, pronounced to them that Smith Pieter, the person murdered, who it seems differed with him in some points of doctrine, was the old Serpent, and unless he was put to death, the World could not be saved. The deluded people immediately seized Smith Pieter, and with all the rage of religious persecution beat him to death without remorse.

In order to put a stop to this Evil, I thought it necessary that one, the Chief, should suffer, and as Public Justice is thereby satisfied for the blood of Murder, and as Hannah Wieber, John Geiger and Jacob Burghart each with numerous Families, bear the character of being long known, orderly and industrious Members of civil Society, I beg leave to recommend them as Objects worthy His Majesty's most gracious Pardon. I must further take the liberty of representing to you, that as they are very poor, they have no Friend but your Compassion to solicit for their Pardon, no Money to defray the expence of suing this Act of Royal Grace through the usual Channel for particular persons, and stand no chance of receiving this

Benefit

Benefit, if they shall fortunately be thought worthy of it, but by being inserted in some General Pardon.

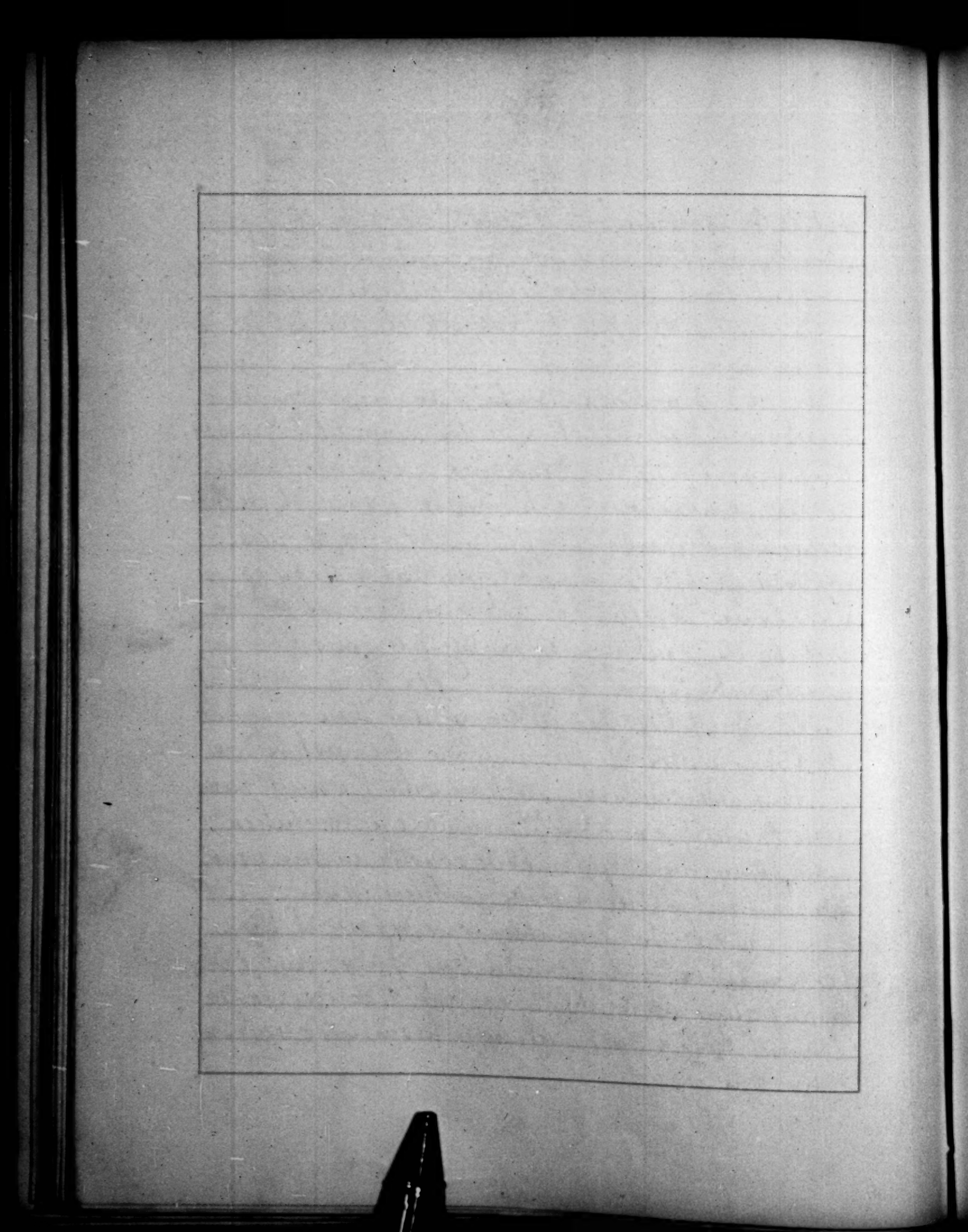
I have the Honour to be with the greatest respect

Sir,

Your most obedient
And most humble servant.
Wm Bull

To the Right Honble
William Pitt Esq.r, one
of His Majesty's Principal
Secretaries of State.

Received 23. July.



B.P.R.O. America & W. Indies. Vol 73

Charles Town, South Carolina
28. April 1761

Sir,

On the fifteenth Instant, I was honoured with your Letter of the seventeenth December last, signifying his Majesty's commands to me, to use my utmost endeavours to prevail on the Council and Assembly of this Province to raise within this Government as great a Body of Troops as the number and situation of its Inhabitants could allow for the purposes therein mentioned, which I deferred for three days that there might be a full House, and then commended the matter to them in the strongest terms.

I am now to acquaint you with the result thereof. The Council immediately came to a resolution expressing their readiness to concur in any measures that are conducive to those Ends.

But the Assembly who represent the People, in order to form a true Judgment of what they were able to do, had recourse to the several Steps that had been taken, and proceedings had

had from the commencement of the first Expedition against the Cherokees in 1759 to the present period, From a consideration whereof they were of opinion that although they were ready to contribute as much as in them lies to such great and essential purposes, they could do no more than to continue the Number of the Provincial Regiment of Foot now in the pay of this Province to hold themselves in readiness to march to such places in North America as the Commander in Chief of His Majesty's Forces in these parts shall appoint, and to be employed in such manner as he shall direct, confidently relying on His Majesty's paternal care and the Vigilance and prudent Conduct of the Commander in Chief that they shall receive timely succour in case of need.

The Assembly deeply concerned that they should be thought wanting in His Majesty's Service have desired that I would represent to you, in order to be laid before His Majesty their sincere and unwearied endeavours to comply to the extent of their power with His Majesty's Commands, and humbly hope that the unfavourable Impressions which have been received of them will

will be removed when the truth shall be fully made known.

As Persons in your high Station although possest, as you are, of the greatest penetration and Discernment, must of necessity be made acquainted with the remote parts of His Majesty's Government, through the Intervention, and by the Information of others which sometimes not being sufficiently full may occasion Impressions to the disadvantage of those concerned. I therefore intreat your patient perusal of the following state of Facts, which I have the Honor to lay before you, with the strictest regard to truth and in the most concise manner that perspicuity can admit.

In the Commencement of this American War in 1755, this Government raised and sent to General Braddock six thousand pounds sterling as its Contingent, tho' more than its proportion, towards a General Fund for the Defence of His Majesty's Rights in North America.

In 1756 to prevent the Encroachment of the French on that side, Fort Loudoun was built in the Cherokees by this Province, with the aid

aid of only one thousand pounds sterling, sent by Governour Dinwiddie in obedience to His Majesty's Commands to assist us therein. The expence was great in carriage over Mountains 450 Miles from Charles Town, and two Companies of Provincials were raised on high pay for that service.

In 1757 Provision was made for a Regiment of Seven hundred Men, five hundred of whom in expectation of raising the whole number, in obedience to His Majesty's Commands were to march out of this Province at the call of the Commander in Chief. I must here observe that the whole number could never be compleated and Major General Abercromby from the known weakness of our situation, tho' we were then at peace with the Indians, in a letter of the 16th of March 1758. to Governor Lyttelton, says, he should think that whatever number of men this Province shall raise would be entirely allotted for our own defence and protection. And in 1759 in order to ease the burden of pay to Supernumerary Officers, the name of the Regiment was reduced, and only three hundred men kept up, which nearly comprehended all the able men therein.

sic

On

On the 5th of October 1759 Danger being apprehended from the Discontents of the Cherokees by the Accounts received from the Officers commanding in the Cherokee Forts, Governor Lyttelton in a Message to the Assembly expreſt his determined Resolution to proceed to the relief of Prince and Fort Loudoun, but especially the latter, recommending the providing pay for fifteen hundred Militia, and a continuance of pay to the three hundred provincials, besides two Troops of Rangers. The Assembly complied therewith, and provided eleven thousand pounds for a Military Chest and Contingencies.

This Expedition not having been attended with the benefit to the Province which was hoped, and the Indians immediately after the conclusion of a Treaty with us, breaking out into an open War, the Assembly on the 9th February 1760 voted pay for 525 Rangers, gave a Bounty of £25 for every Cherokee scalp, for vesting the property of every Cherokee prisoner in the Captor. The Scalp Bounty was afterwards encreased to £35 and in August to £100. On the 13th day of February 1760 they also resolved to provide for a Regiment of One thousand Men at ~~at~~ £15 per month

month to each private. At which proceedings Gov.r Lyttelton on the 14th of February expreſt his ſatisfaction to ſee the Kings Service, and the welfare of the Province ſo much promoted by their Votes; And on his Repreſentation that it might produce good Effects, the pay of the Rangers was raiſed from £15 to £20 per month. It will be proper to take notice that the difference between Currency and Sterling is ſeven for nine.

And from an ardent deſire to free their Province as ſpeedily as poſſible from the Calamities of an Indian War on April 29.th 1760 they gave ſeven thouſand pounds to the Creeks and Chickaſaws to induce them to join us againſt the Cherokees, and at ſeveral other times conſiderable preſents to Indians in Amity with us to engage them the more cordially in our Intereſt.

On the 20.th Auguſt 1760, an Act was paſt for raiſing a Regiment on a more encouraging footing, to conſiſt of a thouſand privates, and include ſuch as exiſted of the former Men, For the ſpeedy levying of them a Bounty of £50 a man was given. And the pay to privates ſeven ſhillings and ſixpence per day, and five pounds to the Officer

for

for each Man inlisted, notwithstanding which not more than one half of the number are now on Foot, and many of these raised in North Carolina, altho' every Method has been used and Experiment in vain tried to compleat them. Indeed I have taken the greatest care that none are Inlisted but able Bodied Men.

In January 1761 another Troop was added to the Rangers, which Regiment now consists of six hundred privates.

And at the same time as there was reason to fear the unfortunate remains of the Garrison of Fort Loudoun and other English prisoners might be put to death by the Cherokees at the approach of our army this Spring the Assembly voted six thousand pounds towards the redeeming them, by which means about ninety of His Majesty's Subjects have already procured their liberty.

Last Summer many poor Families above fifteen hundred in number who had been driven from their plantations took shelter in the private Forts built on our Frontiers; as they had nothing to subsist on, The Assembly have voted

voted Fifteen thousand pounds to maintain them there, until the coming in of the approaching Harvest, which has happily kept them in the Province, and continued the possession of our Frontiers.

I have thus had the Honour to lay before you what this Province hath done, omitting for Brevity sake many expences of a smaller importance, though together of considerable amount, I must now intreat your Indulgence a little further while I inform you of the situation and number of its Inhabitants. The Province is surrounded by the Cherokees on the North West now at War with us, and by the Creeks on the Westward, who by the Intrigues of the French and Cherokees have shewn a very turbulent disposition towards us. Our Inhabitants are intermixed with an Intestine Enemy. The highest returns of Militia do not reach six thousand Men from sixteen years and upwards. And the Negroes from the Treasurers book amount to 57253. I beg leave to observe that the rule of computation allowing in five persons that one is able to bear arms will not hold here, For as the Negroes are

imported

imported for labour, three fourths of the imported are Adults, and consequently at a moderate calculation may amount in the whole to fifteen thousand Men, allowing for the natural increase after settlement here.

Although this view must raise in our Minds many melancholy reflections, it will afford us some consolation, if from what has been done by a People thus circumstanced, who appear to have exerted their utmost Abilities, they shall be found not to have been wanting to His Majesty's service; I do therefore in the name and on the behalf of this, His Majesty's loyal Province, most humbly and earnestly request your favourable Representation to His Majesty of their sincere Endeavors to shew every mark of Affection, duty and respect to His Majesty's person and royal commands, that they may have the Happiness of being re-instated in His Majesty's good opinion, and that of their fellow Subjects in Great Britain, whose protection and Bounty they with the greatest gratitude have in constant remembrance.

I shall send an Advice Boat to General Amherst to acquaint him with the Resolves of the

the General Assembly in regard to the Provincial Regiment of Foot, that is to be continued in pay, ready to march according to his commands, that the Boat with the greatest Expedition may bring back such Orders thereupon for the Regulars or Provincials as His Excellency shall judge proper for His Majesty's service.
I have the Honor to be with the greatest respect

Sir,

Your most obedient
And most humble Servant
Wm Bull

To
The Right Honble
William Pitt Esq. one of
His Majesty's Principal
Secretaries of State.

Received 23d July

B P R O So: Carolina B T Vol 20 M. 27.

At the Court at St James's
the 30th Day of April 1761.
Present
The King's most Excellent Majesty
in Council

Upon reading this day at the Board a Representation from the Lords Commissioners for Trade and Plantations, setting forth that Thomas Boone Esqr whom His Majesty has been graciously pleased to promote from the Government of New Jersey to that of the Province of South Carolina, hath represented to them, that it is necessary for the settlement of his private affairs, that he should return to England before he repairs to his said Government of South Carolina, the said Lords Commissioners therefore propose that His Majesty will be graciously pleased to grant the said Governor His Royal Licence and Permission to return to this Kingdom, and to remain here for the space of twelve months for the Settlement of his private affairs. His Majesty in Council approving thereof, is pleased to

to Order, as it is hereby Ordered, that the
sic said James Boone Esq.r be accordingly permitted
to return to this Kingdom, and to remain here
for the space of twelve months for the Set-
tlement of his private Affairs — And that the
said Lords Commissioners for Trade and Plan-
tations do cause a Warrant to be prepared for
that purpose, and lay the same before His
Majesty at this Board.

Den.l Hane.

M. 07

Received
Read 6.th May } 1761

B.P.R.O. So: Carolina B.T. Vol 20 N. 30

Charles Town, South Carolina
30 April 1761.

My Lords,

I have the Honour to acquaint your Lordships that our Army is now daily advancing by Divisions from Congaree to Ninety six, where the whole will arrive by the second of May, and soon after proceed to and reach Keowee about the fifteenth.

As we are thus preparing to carry on the War with the utmost Vigour and a powerful Army, I am willing to hope the Terror thereof will produce a very happy Effect in seconding those Talks which I have sent lately to the Cherokees, framed in such a manner as to excite both their Hopes and Fears, for as I think it our Interest on the one hand not to drive them to despair, so on the other, I would not give Expectation of their being received into favor, without some punishment for their past, and the Terror of an Example to prevent their committing

future

future Outrages. From the readiness they have shown in delivering up already near Ninety of our Countrymen Prisoners in their Nation upon the Plan I had the Honour to communicate to your Lordships on the twenty ninth of January last, and from seeing an Officer commanding in Fort Prince George whose discreet Behaviour when formerly on Duty there had gained their Confidence and Good Will, I am of opinion they will be sincerely disposed to make a Peace on Terms which we may think reasonably satisfactory. Their Apprehensions of Famine (for they are too sensible how easily they can by retiring elude the force of our Arms) in case our Army should remain in their Country till the Season for planting their Corn is past, give also a great additional weight to the former reasons for their desiring Peace.

I have the Pleasure to acquaint your Lordships that the turbulent Dispositions of the Creeks seems to subside apace, from the Conferences which Governour Wright and I have held with their Chiefs, in which we have laid open their true

true Interests to their view, and shewed that their supply of Goods depends on their maintaining peace with the English And the Report which those who have seen our preparations for war against the Cherokees must make on their return to the Creeks, may deter those from breaking out War who disregard their Interest.

I have reason therefore to think that the Intrigues of the French will now rather lose than gain Ground among the Creeks And if we should succeed in making an Honourable Peace with the Cherokees our Indian Affairs will soon return to their former State of Tranquility. In about a Month hence the Crisis will be more certainly seen And as Ships will by that time be sailing from hence for some part of Great Britain, I shall not fail to give your Lordships the most early Intelligence thereof.

Mr Barnett the Master in Chancery being dead, I have appointed William Burrows Esq an Attorney at Law to be Master in his Stead, until His Majesty's Pleasure is signified thereupon.

Mr Murray the present acting Deputy Secretary

Secretary intending to go to Great Britain soon, will be charged with the Minutes of Council, and the Journals of the Council and Assembly, and such Laws as are passed this Spring, to be delivered to your Lordships.

I have at length with great difficulty, and from various persons been able to collect a compleat Set of our printed Laws, and sent them under the Broad Seal in a Box by His Majesty's ship Dolphin. I must beg leave to take notice to your Lordships that many of the Laws are expired or repealed which has increased the number and bulk, as well as the trouble of the Person who reads them, unless a cursory reading with that view is begun at the latter end, and those not now in force are noted, which the immediate sailing of the Dolphin prevents my doing for ease of your Lordships perusal.

Your Lordships will pardon my mentioning this matter which I thought in some degree necessary.

I have the Honor to be with the greatest respect, My Lords, Your Lordships,

Most

Most obedient
And most humble servant
Wm Bull

To

The Right Honble the
Lords Commissioners
for Trade & Plantations

No. 30
Received July 23.
Read Sept. 1 } 1761

B. P. R. O. B. T. South Carolina Vol 29

Whitehall 6th May 1761

To the Kings Most Excellent Majesty

May it please your Majesty

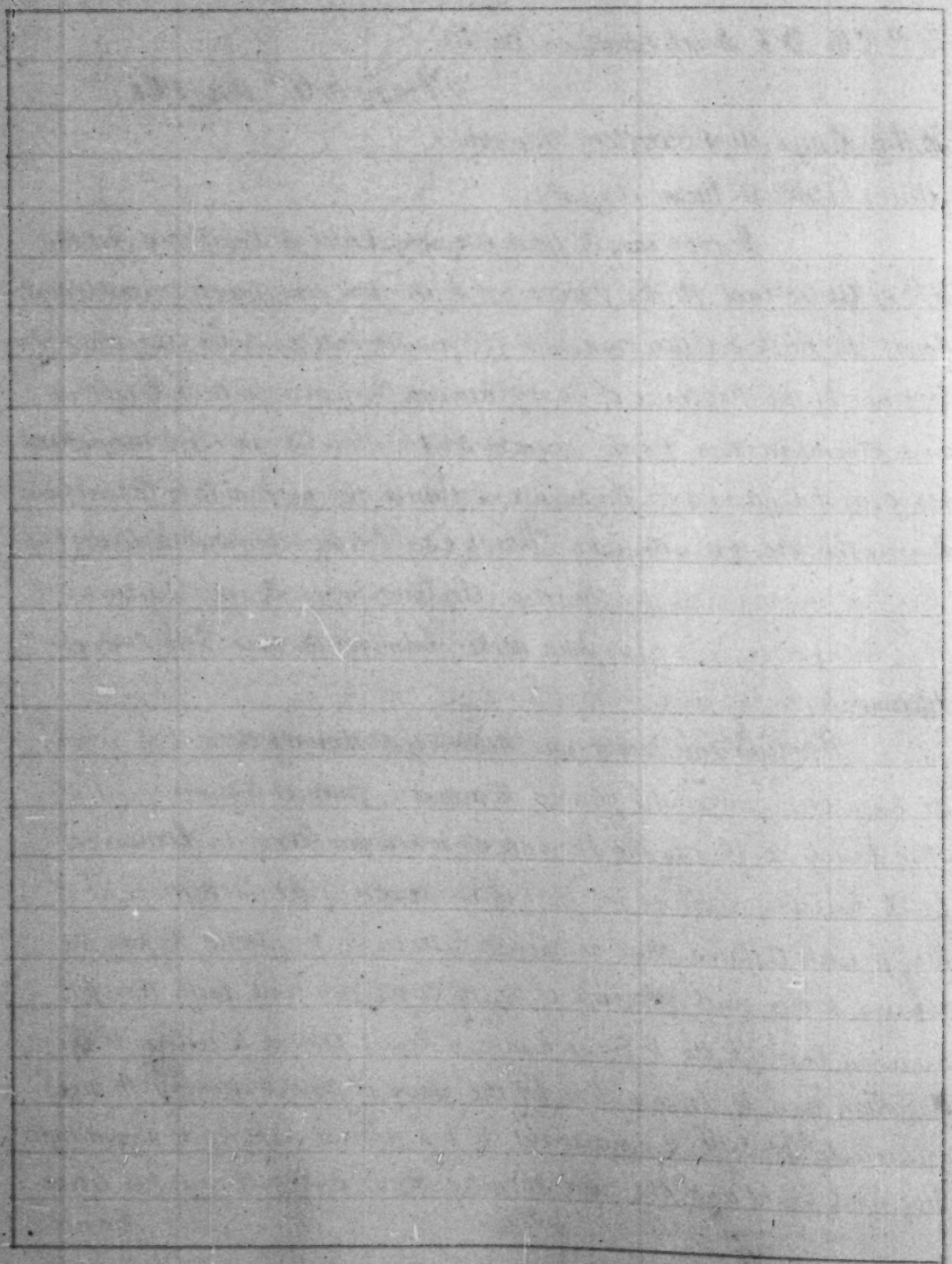
George Saxby and Edward Jenurck Esqrs two of your Majestys Council in the Province of South Carolina having desired leave to resign their Seats at that Board, and John Cleland Esq another Member of the said Council of that Province being deceased We beg leave humbly to propose to Your Majesty that Charles Skinner Esq whom Your Majesty has lately been pleased to appoint Chief Justice of So Carolina and John Drayton and John Rattray Esqrs who have been recommended to us as persons well qualified to serve Your Majesty in the Council of that Province may be appointed in the room of the said George Saxby Edward Jenurcke and John Cleland

Which is most humbly submitted

Sandys Andrew Stone

Soame Jenyns Edmond Thomas

John Yorke Edd Bacon



B. P. R. O. B. T. South Carolina Vol 29

Whitehall 6th. May 1761

To the Kings Most Excellent Majesty

May it please Your Majesty

In obedience to Your Majestys Order in Council. dated the 30th of April last We have prepared a Warrant containing your Majestys Royal Licence and permission to Thomas Boone Esq. Your Majestys Governor of the Province of South Carolina to return to this Kingdom and to remain here for the space of twelve Months. for the settlement of his private Affairs and We humbly beg leave herewith to lay the said Warrant before your Majesty. Which is most humbly submitted

Sandys Andrew Stone. Soame Jenyns

John Yorke Edmond Thomas Ed. Bacon

(Inclosure)

Whereas our Trusty and Wellbeloved Thomas Boone Esq. whom we have been graciously pleased to promote from the Government of New Jersey to that of the Province of South Carolina in America hath humbly represented that it is necessary for the Settlement of his private Affairs. that he should return to England before he repairs to our said province of South Carolina and hath therefore humbly besough Us to Grant him our Royal Licence to return to this Kingdom and to remain here for the space of twelve Months We are graciously pleased to condescend to his request and we do accordingly Give and Grant unto the said Thomas Boone our full and free leave

(Licence)

licence and permission to return to this Kingdom and to remain here for the space of Twelve months to be computed from the day of the date of these presents Given at our Court at St. James the day of May 1761 in the first Year of our Reign.

By His Majestys Command

B.P.R.O. America & W. Indies Vol. 73.

Charles Town, South Carolina
May 16th 1761

Sir,

After my Dispatches were on board His Majesty's ship Dolphin, who waited only for a fair Wind to proceed to sea with the Trade for Great Britain, she, and several of the Merchants were disabled by a most violent, and unheard of Whirlwind, As an Account thereof is published in our Gazette, I have the Honour to inclose one for your Information thereof, and of the damage done thereby.

I have the honor to be with the greatest respect

Sir,

Your most obedient
and most humble servant
Wm Bull

To the Right Honorable
William Pitt Esqr one of
His Majesty's Principal
Secretaries of State

Recvd 23d July

Inclosed in Governor Bull's letter of May 16th 1761.

The
South Carolina
Weekly Gazette
From Wednesday, April 29, to Wednesday, May 6, 1761.
(Printed.)

B.P.R.O. So: Carolina B T Vol 20. M. 31.

Charles Town, South Carolina
May 16th 1761.

My Lords,

After my Dispatches were on board His Majesty's ship Dolphin, who waited only for a fair wind to proceed to Sea with the Trade for Great Britain, she, and several of the Merchants were disabled by a most violent and unheard of Whirlwind, as an Account thereof is published in our Gazette, I have the Honor to inclose one for your Information thereof, and of the damage done thereby.

Two days ago I received a letter from Governour Hauquier acquainting me that General Amherst thinking the 1000 Virginia Troops fully sufficient to attack the Upper Cherokees, while we attack the Lower, has given Col: Byrd Orders to proceed with them alone, in case Governour Dobbs could send no Assistance to him, tho' I am afraid it will be sometime before Colonel Byrd will be ready to move from their most advanced post on the Virginia side 220 Miles

Miles East by North from Fort Loudoun, At that Post they have redeemed eighteen English Prisoners, who arrived in Charles Town about five Days ago.

The heavy rains which have fallen for almost three weeks past have greatly retarded the March of our Army which by a Letter of the 5th of May from Colonel Grant, I believe could scarce reach Ninety six till the 10th or 11th instant and may perhaps detain them for a few days there, not only to recruit their Horses, but to wait till those Waters are abated which does at present render their March very inconvenient at several Rivers, through which they must pass; For we are now on the 20th of May, and had Colonel Grant marched on the 16th I should have known it by this time, tho' it is a little more than 200 Miles off, as for the most speedy communication between us, I have placed relays of fresh Horsemen on the Road at convenient Distances.

The number of Prisoners redeemed at Fort Prince George by the last accounts amounts to 110. above seventy of whom are Soldiers,

the

the Officer commanding at that Post on so great an addition of mouths very prudently put the whole, both Garrison and redeemed Prisoners on half Allowance, by which Economy the provisions which I sent up last February sufficient to last the Garrison till the end of July, will serve the whole till Colonel Grant reaches Pensacola.

There has no alteration happened either in the Creek or Cherokee affairs since the last Accounts I had the Honour to communicate to your Lordships.

On the 10th of this month 60 leagues to the Westward of Bermuda, a vessel lately arrived here saw a Fleet of 18 Sail of ships, five of which supposed to be two decked Men of War, standing South and by East, with the wind North and by East, which Information I take the liberty of mentioning to your Lordships, as I supposed they were the Fleet lately sailed from New York.

I have the Honor to be with the greatest respect, My Lords,

Your Lordships,

Most

Most obedient
And most humble servant
Wm Bull.

Charles Town
sic May 20th 1761.
To
The Right Honble
the Lords Commissioners
for Trade & Plantations
White Hall

M. 31.
Received July 23.
Read Sept. 1. } 1761

Inclosed in the above letter
the
South Carolina
Weekly Gazette
From Wednesday, April 29. to Wednesday May 6. 1761.
(Printed)

B.P.R.O. So. Carolina. B.T. Vol. 20. M. 32.

Charles Town, May 28th 1761.

My Lords,

Mr Childermas Croft late Clerk of the Assembly being dead I have appointed Mr Thomas Bromley Clerk of the Commons House of Assembly in his stead, until His Majesty shall signify His Royal Pleasure thereupon.

I have the Honour to acquaint your Lordships that Mr Bromley was appointed by me to that Office at the unanimous, but private recommendation of the Members of the Assembly, in which, as I was willing to gratify them I believe that method of receiving their application, rather than by a Message, which might seem to lay the Foundation of allowing a claim of right to recommend, to the diminution and prejudice of His Majesty's Prerogative.

Colonel Grant marched from Ninety six on the 18th instant, and I believe reached Keowee on the 26th or 27th so that I expect to hear from thence on the 31st instant; His Army amounts to 2260 effective Soldiers, Regulars & Provincials,

Horse

Horse and Foot, besides about 200. Regulars, too sick and inferm to undergo the fatigues of this Service, left in this Town, and some parties of Horse and Foot posted at Congaree and Ninety six to secure the Communication with me. The whole number of Waggons, carrying provisions and Baggage is 281 and a small Company of between forty and fifty able Negro Men furnished by this Province to serve as Pioneers.

Captain Marlow in His Majesty's Ship Dolphin will sail in about a month, with a Fleet of Merchantmen, by which opportunity I hope to be able to give your Lordships some account of the Operations and Success of this Army, and I wish I could add of that which is in Virginia. I have the Honor to be with the greatest respect

My Lords, Your Lordships
Most obedient & most humble servant
Wm Bull

To
The Right Honble the
Lords Comm.rs for Trade
and Plantations.
White-Hall

M. 32.
Rec.d July 23.
Read Sep. 1. } 1761.

B P R O B 2 South Carolina vol 29

Whitehall 29 May 1761

To the Kings most Excellent Majesty

May it please Your Majesty

We have had under our Consideration Six Acts passed in your Majestys Province of South Carolina in April 1759 and having also taken the Opinion of Sir Matthew Lamb one of your Majestys Counsel at Law upon the said Acts We beg leave humbly to lay them before Your Majesty with such Objections as have been urged by Sir Matthew Lamb or have occurred to Us against each of them. The first of these Acts is Entituled "An Act to supply the defects in Evidence where "Original Wills cannot be produced and to make the proceedings upon "the Questions arising upon such Wills more easy and Effectual and "for repealing so much of the second Clause of An Act for making more "effectual last Wills and Testaments as contradicts or Repeals the Ninth "Clause of of the Act against Bastardy" Upon which Sir Matthew Lamb has reported to Us in the following Words "This Act is for establishing a Method "in regard to the proof of Wills concerning real Estates which is not al "lowed of by the practice of the Courts of Law in England The Acts of "parliament and the practice of the Courts of Law have established a "Method for the Execution of such Wills and for the proofs thereof. "which has been done to prevent Frauds and injuries to Heirs at Law "and this Province has hitherto as well as the other Provinces proceeded "in the same Method. and altho it might be convenient to have some

(way)

"way less tedious and expensive than it is at present to make Wills
"concerning real Estates to be evidence in Courts of Law yet as this pro-
"vince has the same way of proving Wills concerning real Estates in
"Chancery (per testes) and exemplifying the same so as to make them
"Evidence as is usually practised here I am of opinion there should
"be no Distinction for this Province but that the Law should remain
"there as it is at present agreable to the Law and Practice of England
"to prevent Inconveniencies that may arise by such Alteration as is
"intended" Besides this Objection stated by Sr. Matthew Lamb. this
Act appears to us liable to another which we conceive to be of great
weight for it repeals part of a just and reasonable Law passed in
1731 founded on the act of the 29th of King Charles the Second for
preventing Frauds and perjuries. and against which no Complaint
in the course of so many years has ever been made. And by such
repeal restores and revives a Clause in An Act against Bastardy
whereby persons having legitimate and illegitimate Children are
restrained from making by their Last Wills any provision for the
illegitimate children how considerable soever their Estates may
be further than to the amount of one hundred pounds currency
of that Province. The Second is Entituled "An additional Act to
"an Act Entituled An Act to ascertain the manner and Form of
"electing Members to represent the Inhabitants of this Province in
"the Commons House of Assembly. and to appoint who shall be
"deemed and adjudged capable of choosing or being chosen Members

(of)

of the said House passed the 21st of September in the Year of Our Lord 1721 and for repealing several Clauses in the said Act" This Act as the Title professes repeals and alters several parts of the Act of 1721 to which it is called Additional. without good and sufficient reason assigned. and without the Clause of suspension required in all such Cases by Your Majestys Instructions It is relative to Matters formerly provided for by An Act passed in 1747 which was disallowed by His late Majesty and repeals that Act as if still in force. altho it has been annulled and declared Void by His Majestys said Order in Council dated so long since as the 31st of Octr 1751. For these reasons we humbly beg leave to lay both the said Acts before Your Majesty for Your Majestys Royal disallowance & Repeal

All which is most humbly submitted

Sandys

Andrew Stone

Soame Jenyns

Ed. Bacon.

B.P.R.O. So. Carolina B.T. Vol. 20. M. 29.

6 June 1761.

To the Right Honble the Lords Commissioners for Trade and Plantations.

My Lords,

In pursuance of your Lordships Commands signified to me by Mr Pownall's letter wherein you are pleased to desire my Opinion in Point of Law upon the following Acts passed in South Carolina in May, June July and August 1760 I have perused and considered the same (viz.)

1. An Act for preventing as much as may be the continuance of the Small Pox in Charles Town and the further spreading of that Distemper in this Province.

2. An Act to prevent the Exportation of Grain and other Provisions and Arms Ammunition Stroud Duffils and Plains from the Province of South Carolina for the Term therein mentioned.

3. An Act for finishing Enlarging Repairing Cleansing and keeping Clean and in Repair the Common Drain or Sewer in Elliot Street in

in Charles Town.

4. An Act Impowering the Persons therein named to receive in Great Britain on Behalf of the Province of South Carolina the Sum of Money therein mentioned.

5. An Act for raising and Granting to His Majesty the Sum of £163,710.6.1¼ and applying Seventeen Thousand Four Hundred and Eighty Pounds Eleven Shillings and five Pence being Surplus of Taxes and the Ballance of several Funds in the Publick Treasury making together £181,190.17.6¼ to defray the charges of the Government from the first day of January to the Thirty first day of December 1759 both days inclusive and for other Services therein mentioned.

6. An Act for Raising and Granting to His Majesty the Sum of £216,693.2.5 which with Seventy Thousand Pounds Granted for this Service by the Tax Act makes £316,693.2.5 to defray the Expence of the late Expedition against the Cherokee Indians and other charges since Incurred by Prosecuting the War against the said Indians and protecting the Back Settlements of

of this Province And appointing Commissioners for Stamping and Signing Publick Orders for the more easy and expeditious Issuing of the said Sum and providing a Fund for sinking the said Publick Orders in Five Years by a General Tax and Assessment on the Estates Real and Personal of the Inhabitants and others interested in this Province.

7. An Act for Establishing and Regulating the Artillery Company which was formed out of the Militia in Charles Town.

8. An Act Granting to His Majesty an Aid of One Hundred and Twenty Five thousand Pounds Current Money and applying other Money therein mentioned to defray the Expence of raising Paying and Cloathing for six months a Regiment to consist of Ten Companies of Soldiers each to be composed of One Hundred Men besides Officers to be employed in the Service of this Government in prosecuting the War against the Cherokee Indians and their Abettors And for stamping Orders for the more expeditious Issuing of the said Sum And for Providing a Fund to call in and sink the said

Orders

Orders within the time therein limited.

Upon Perusal and Consideration of these Acts I have no Objections thereto in Point of Law, and am

My Lords

Your Lordships

Most obedient

Humble Servant

Mat Lamb.

Lincolns Inn

6th June 1761.

M. 29

Received June 12.

Read June 23. } 1761.

B.P.R.O. So: Carolina B.T. Vol. 20 M 33.

Charles Town, June 19th 1761.

My Lords,

I had the honour of laying before your Lordships in my Letter of the 29th of January last a full state of our affairs in general as preparatory to the opening the campaign against the Cherokees, and on the 16th of May I acquainted your Lordships with the great delay occasioned to the March of the Army by the excessive Rains that had fallen, and with the number of English Prisoners redeemed at Fort Prince George since last March from the Cherokees, now amounting in the whole to One hundred and sixteen. I now acquaint your Lordships that my last letter from Colonel Grant is dated the 5th of June from the Camp at Fort Prince George where he arrived on the 27th of May and the last division of Carriages got up the 29th. On his March up he received a Message from the little Carpenter begging for Peace, to which he gave a civil Answer, that he could hear no proposals till all the Garrison of Fort Loudoun were

were given up, that such Cherokees as delivered themselves up to him should be protected and the rest treated as Enemies.

When the Little Carpenter saw the Troops draw near he strongly solicited Colonel Grant to remain at Fort Prince George till he could consult his Nation and return back, for that he was sure everything would be settled to his satisfaction, but Colonel Grant was determined not to deceive him, and therefore gave him no encouragement to expect it, however treating him civilly, and giving him a small present, he dismist him.

Sixty or seventy of the Cherokees, near forty of them men, have put themselves under Colo. Grant's protection, whom he has permitted to settle to the Eastward of Fort Prince George and given them Corn and Peas to plant; he represents those poor creatures in a starving condition, subsisting chiefly on Acorns, as he cannot allow them to hunt for Deer & Buffalo.

He informs me that things at present bear a very pacific appearance, but if it should change he knows the Indians too well to be surprized

surprized at it.

That the Army was busy in making Flower Bags, Pack saddles &c.a sufficient for about six hundred and fifty horses to be loaded with Flour Ammunition and Salt for the use of the Army during their stay among the mountains, exclusive of horses allowed for Officers, tho' their baggage will not be heavy as they do not carry Tents. During these necessary preparations Store houses were erected for the Provisions and a Breastwork to secure the Carriages, the Arms were examined and put in the best order for service.

They were to begin their March from Georgia on the 7.th of June in order to penetrate the Mountains, and I expect daily to receive accounts of his progress and Success therein

A few days ago I received a visit from Forty seven of the lower Creeks among whom was the son of Malachi the late Emperor or Headman of the whole Creek Nation, they came to make no new proposals but to renew their former assurances of Friendship, and I suppose principally to receive presents from this Goverment, upon

which

which occasion I beg leave to observe to your Lordships that our Expences are very heavy, as we have received no Assistance from His Majesty's bounty in that Article for some time.

After these Indians had received their Presents and were on the point of setting out from Town, I was informed by letters from Augusta that a man going from thence, with several Horse loads of Goods for the Creek Nation, was murdered about ten miles from Augusta, and several Indians were seen driving Pack horses about that time, following a Route leading directly from the place of the Murder to the Cherokee Country.

I immediately communicated this Intelligence to the Creek Indians and put them in mind of a Declaration they made in the beginning of the Cherokee War, that they would not interfere therein, but that in case the Cherokees should commit any Act of Hostilities on the West side of Savannah River, whereby the Trade between the English and Creeks should be interrupted, the Creeks would immediately thereupon make War against the Cherokees. The Creeks acknowledged that they had made such a Declaration and

gave

gave me the strongest Assurances that they would strictly observe it, That the Event had now happened, and they would return to their Nation in order to make their resentment thereof general.

I confess that I cannot forbear doubting that the Nation will not generally resent this Murder, tho' I am in hopes some Parties of them may, And I have recommended that their attack should be directed against the North West Parts of the Cherokees and annoy the Flank and Rear of the Cherokees in such manner as to co operate with Colonel Grant's Army.

As the General Assembly is still sitting, I have deferred sending to your Lordships the Journals and Acts, untill the End of this Session, which I shall transmit by the first safe opportunity.

As Governor Dobbs has sent Dispatches to your Lordships thro' my hands, I shall say nothing concerning the affair of North Carolina. I have not yet received any Accounts from the Governor of Virginia that their Troops are all assembled and have began to move from their advanced Post on Kannaway River, altho' I hope your

Lordships

Lordships will have received Accounts thereof by the time this Letter reaches your Hands.

As soon as I receive any further Accounts from Colonel Grant, I shall communicate them by the earliest opportunity to your Lordships.

I have the honor to be with the greatest respect

My Lords,

Your Lordships

most Obedient and

most humble servant

Wm Bull

To

The Right Honorable

the Lords Commissioners

for Trade and Plantations

at White-Hall.

M. 33.

Received August 13. }

Read Sept. 1 } 1761.

B.P.R.O. So: Carolina. B.T. Vol 20. N: 34.

Charles Town July 17th 1761.

My Lords,

As there is a Vessel sails this Day for Glasgow, I would not omit that opportunity of acquainting your Lordships with the Proceedings and Success of our Army against the Cherokees, whereby we have done the Enemy so much damage in destroying their Corn according to the Plan I had the honor of mentioning in my Letter of the 21st of October last, and with very little loss, upon which I beg leave to congratulate your Lordships.

On the 15th Instant I received a letter from Colonel Grant dated the 10th at Fort Prince George acquainting me that he returned the night before to that Place after a fatiguing Scout of thirty three days without Tents or Baggage. The Army marched on the 7th of June from Fort Prince George The Cherokees got together a pretty considerable Body, and took post in very advantageous ground about two miles from the place where they attacked Col: Montgomery last

last year, about Fifty four miles from Keowee Their Plan was well laid but failed in the execution

The attack began the 10th of June about half an hour past eight in the morning, the firing continued pretty smartly till twelve and popping shot continued till two. Our Loss was very inconsiderable, one Ensign and ten privates killed, Four Subalterns and forty eight privates wounded.

The Army moved on about three in the Afternoon having got litters prepared for the wounded. The Provision was left that night at Echoe under a Guard of one thousand men, under the command of Colonel Middleton, and Colonel Grant marched with the rest of the Troops to Tuccasee, but bought experience had made the Indians so cautious that tho' it was eighteen miles from the place of Action every Indian Scout had taken to the woods.

Fifteen Towns and all the Plantations that could be found have been burnt and above fourteen hundred Acres of Corn and Beans destroyed, which at a moderate computation would have produced fifty thousand bushels of

Grain

Grain and subsisted five thousand Indians. All the Indians on the Middle, Lower and Back Settlements are drove into the Mountains to starve.

I have the satisfaction of acquainting your Lordships that Colonel Grant informs me that the Provincial Regiment of Fort behaved well, as he always expected, and that the Rangers or Light Horse were useful, alert and make no difficulties, and that he is as much pleased with now, as he was displeased with them when they first took the field. He will remain in that advanced Post of Fort Prince George till things are a little more settled, and is now, during his stay, repairing the Fort which is much in need of it, and will leave twelve months Flour, when he comes down, and make the Garrison easy by relieving them with Fresh Troops.

The Chickesaws and Catawbas and the few Mohawks who came with Colonel Grant from New York behaved also well, the twenty two Chickesaws left the Army three days after the Engagement, and returned to Augusta.

Colonel Grant intends to invite the Little Carpenter and the Great Warrior to treat of

of Peace and assure them that we do not intend to extirpate their Nation, and that they yet may have Terms.

I am willing to hope that the severe Military execution on their Towns and Corn fields, and their Republic on the 10th ult: and seeing the Army continue at Fort Prince George in appearance ready to renew and extend the scene of Desolation on their Tally Settlements, which lie between the Ridge of Mountains and the Towns lately destroyed, will have inflicted such suffering, and strike such Terror, and raise such Apprehensions of Famine, as will humble their late insolent contempt of our Power and incline them to sue sincerely for Peace. Whether it will produce this effect, or the reverse, by driving them to despair and obstinate perseverance will soon be known, after Colonel Grant's Message has been allowed some small time to work upon them.

I have dispatched an Advice Boat with these Accounts to General Amherst, and expect to receive his answer thereupon in about five weeks. By a letter from Governor Dobbs of the

6th

6th instant, his North Carolina Regiment was in a few days to begin their march to join Colonel Byrd who was in Camp about two hundred and fifteen miles easterly from Fort Loudoun.

I have the honor to be with the greatest respect

My Lords,

Your Lordships

most obedient and

most humble servant

Wm Bull

To

The Right Honble the

Lords Commissioners for

Trade and Plantations

Whitehall.

N. 31

Received } Sept. 10th 1761.

Read }

B P R O B T South Carolina Vol 29

Whitehall 7th Sept. 1761

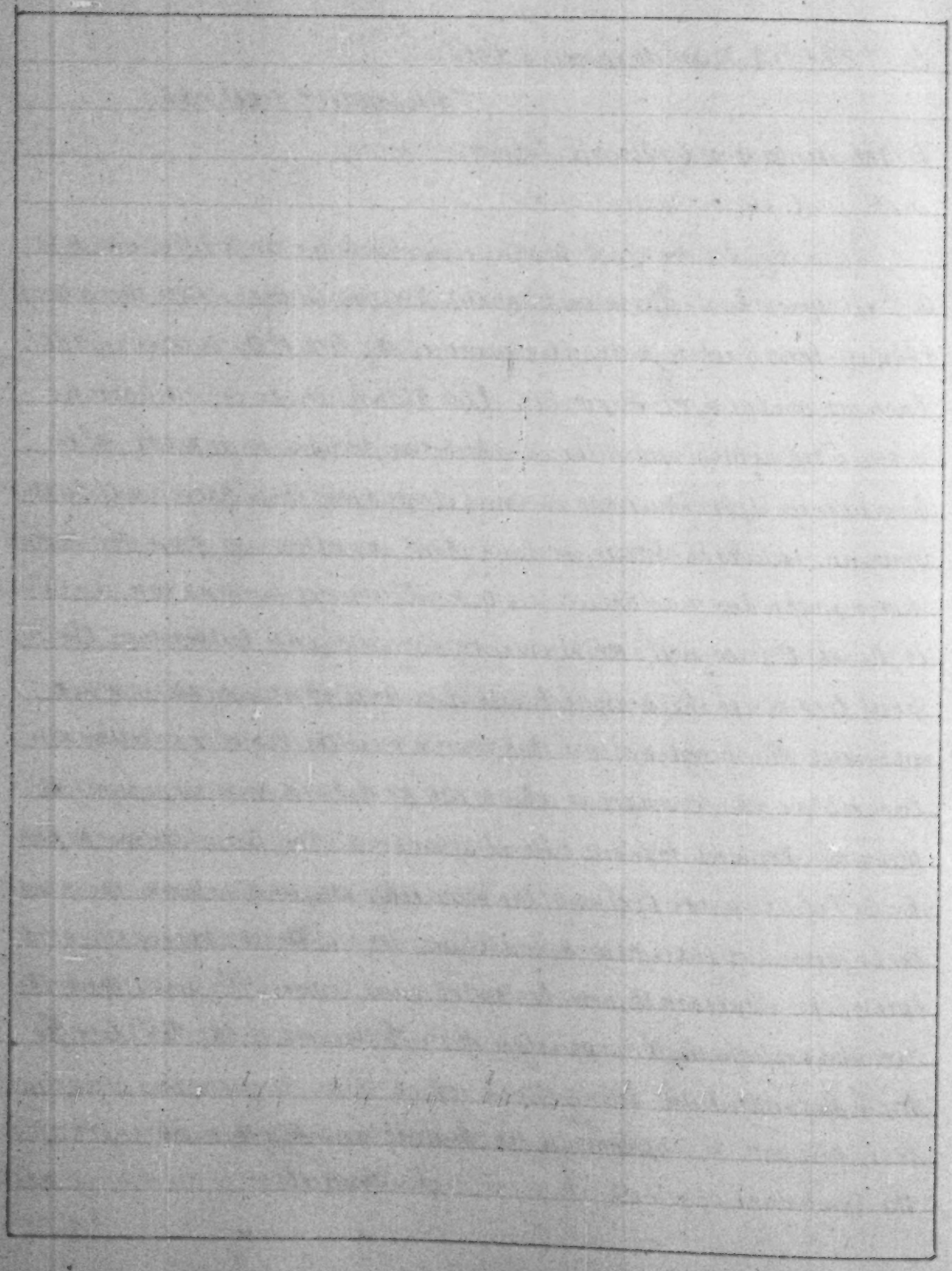
To William Bull Esq. Lieut Gov. of South Carolina

Sir

I am directed by the Lords Commissioners for Trade & Plantations to send you the inclosed Order of His Majesty in Council on the Twenty fifth of June last repealing and annulling two Acts passed in the Province of South Carolina Viz. An Act to supply the defects in Evidence where Original Wills cannot be produced and to make the proceedings upon Questions arising upon such Wills more easy and effectual and for repealing so much of the second Clause of an Act for making effectual last Wills and Testaments as contradicts or repeals the Ninth Clause of the Act against Bastardy. An additional Act to an Act to ascertain the manner and Form of electing Members to represent the Inhabitants of this Province in the Commons House of Assembly and to appoint who shall be deemed and adjudged capable of choosing or being chosen Members of the said House passed the 21st of November 1721 and for repealing several Clauses in the said Act. I am also directed to send you the inclosed copy of their Lordships Representation to His Majesty upon the said Acts to the end that you may be apprized of the Grounds and Reasons for such Repeal I am Sir

Your most obedient humble servant

J. Pownall



P. R. O. B. T. South Carolina Vol 29

Whitehall 21st Sept. 1761

To the Kings most Excellent Majesty

May it please Your Majesty

In obedience to your Majesty's Order in Council dated the 20th of March last. We have prepared Drafts of General Instructions and of those which relate to the Observance of the Acts of parliament for the Encouragement and Regulation of the Plantation Trade, for Thomas Boone Esq. whom your Majesty has been pleased to appoint to be Governor and Commander in Chief of your Majesty's province of South Carolina. in which Draft we have made no alteration from the Instructions given by his late Majesty to Wm Henry Lyttleton late Governor of the said province except only in the following particulars. In the first Article of the present Draft of General Instructions we have inserted the names of Ten persons to be Members of Your Majesty's Council for this province of which the first seven were appointed of the said Council by His late Majesty and the three last mentioned have been lately appointed by Your Majesty. and so soon as we shall be informed of the Names and Characters of proper persons to complete the established number of the said Council We shall humbly recommend them to your Majesty. At the end of the 28th Article We have added the same Words. which Your Majesty has already been pleased to approve in the Instructions to other Governors upon the Continent of North America. requesting them to discourage and

(restrain)

restrain any attempts which may be made to set up any such Manufactures or Trades as are or may be prejudicial to this Kingdom.

We have omitted for the reasons set forth in our humble Representation in the Draft of General Instructions prepared for your Majty Governor of the province of Massachusetts that Article of the Instructions to Mr Lyttleton which directed a revisal of the Laws and also all those which contained directions respecting the Habeas Corpus the Security of the Life Limb and property of the Subject, the transmission of proofs with Criminals, the Qualification of Jurors, and all such other matters as have been provided for by the established Laws of the province. We have also omitted that Article which directs an observance of the 5th and 6th Article of the Treaty of Neutrality in 1686. the operation of which is of course suspended in time of War

The Drafts of the Instructions which relate to the Acts of Parliament. for the Encouragement and Regulation of the plantation Trade. is exactly conformable to what your Majesty has already approved of for the Governors of your Majestys other Colonies upon the Continent of North America

All which is humbly submitted

Sandys

Ed. Bacon

Geo. Rice

John Yorke

(Inclosure)

(Inclosure)

Instructions to our Trusty and Wellbeloved Thomas Boone Esq our Captain General and Governor in Chief in and over our Province of South Carolina in America Given at our Court at St. James's the 11th November 1761 in the second Year of our Reign

1st Whereas we have thought fit by Our Commission under Our Great Seal of Great Britain bearing date the 4th day of May 1761 in the first Year of Our Reign to constitute and appoint you our Capt.n General and Governor in Chief in and over Our Province of South Carolina in America, You are therefore in all things appertaining to the Trust thereby conferred upon You to Govern yourself according to the several powers Authorities and directions contained in our said Commission, and these Our Instructions to You and you are forthwith upon the Receipt of these our Instructions to call together the following persons by name whom We do hereby constitute and appoint to be Members of Our Council in that our said Province Viz.t Edmund Atkyn. William Bull. Othniel Beal. Henry Middleton. John Guerard. George Austin. Egerton Leigh Charles Skinner. John Drayton & John Rattray Esquires.

2. You shall then take yourself (if not already done) and also administer to each of the Members of Our said Council. the Oaths mentioned in An Act passed in the First Year of the Reign of His late Majesty King George the First Entituled "An Act for the further

(security)

"security of His Majestys person and Government and the succession
"of the Crown in the Heirs of the late princess Sophia being Protestants
"and for extinguishing the hopes of the pretended Prince of Wales
"and his open and secret Abettors" as also make and subscribe and
cause the Members of our said Council to make and Subscribe the
Declaration mentioned in an Act of Parliament made in the 25th
year of the Reign of King Charles the Second Entituled "An Act
for preventing dangers which may happen from popish Recusants"
and you and every of them are likewise to take an Oath for the due
execution of Your and their places and Trusts with regard to your
and their equal and Impartial administration of Justice. And
you are also to take Oath required by An Act passed in the
7th and 8th Years of the Reign of King William the Third to be
taken by Governors of Plantations to do their utmost that the
Laws relating to the Plantations may be observed.

3 You shall administer or cause to be administered the Oaths
appointed in the aforesaid Act entiled "An Act for the further
security of His Majestys person and Government and the succession
of the Crown in the Heirs of the late princess Sophia being Protestants
"and for extinguishing the hopes of the pretended Prince of Wales
"and His open and secret abettors" to the Members and Officers of
the Council and Assembly and to all Judges. Justices and other
persons that hold any Office or place of Trust or Profit in the said
Province. whether by Vertue of any Patent under the Great Seal of

(Great)

Great Britain or the Publick Seal of Our Province of South Carolina or otherwise And you shall also cause them to make and subscribe the aforesaid Declaration without the doing of all which you are not to admit any person whatsoever into any Publick Office nor suffer those that have been admitted to continue therein

4. You are forthwith to communicate unto our said Council such and so many of these Instructions wherein their Advice & Consent are mentioned to be requisite, as likewise all such others as from time to time as you shall find convenient for Our Service to be imparted to them.

5. You are to permit the Members of Our said Council to have and enjoy the Freedom of Debate and Vote in all Affairs of Publick concern that may be debated in Council.

6. And altho by our Commission aforesaid we have thought fit to direct, that any Three of the Council make a Quorum, it is Nevertheless our Will and pleasure, that you do not Act with a Quorum of less than Five Members unless upon Emergencies when a greater number cannot conveniently be had

7. And that we may be always informed of the names & characters of persons fit to supply the Vacancies which shall happen in the said Council, you are from time to time when any Vacancies shall happen in the said Council to transmit unto our said Commissioners for Trade and plantations, in Order to be laid before us the names of three persons Inhabitants of the s[d] province

(whom)

whom you shall esteem best qualified for that Trust

8. Whereas by Our Commission to You, you are empowered in case of the Death or Absence of any of Our Council of the said Province, to fill up the Vacancies in the said Council to the Number of Seven & no more. you are from time to time to send unto our Commissioners for Trade and plantations in Order to be laid before Us. the Names and Qualities of any Member or Members by you put into the s.d Council. by the first conveyance after your so doing.

9. And in the choice and Nomination of Members of our said Council as also of the Chief Officers. Judges. Assistants. Justices of the peace. and other Officers of Justice. you are always to take care that they be men of Good life well affected to our Government and of Abilities suitable to their Employment

10. You are neither to Augment, nor diminish the number of our said Council as it is hereby established. nor to suspend any of the Members thereof without good and sufficient cause nor without the consent of the Majority of Our said Council signified in Council. after due examination of the charge against the said Councillor and his answer thereunto. And in case of the suspension of any of them you are to cause your reasons for so doing together with the charges and proofs against the said persons and their Answers thereunto to be duly entered upon the Council Books, and forthwith to transmit Copies thereof to Our Commissioners for Trade and plantations in Order to be laid before Us. Nevertheless if it

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should happen that you should have reason for suspending any Councillor not fit to be communicated to the Council you may in that case suspend such person without their consent But you are thereupon immediately to send to Our Commissioners for Trade and Plantations in Order to be laid before Us an Account of your proceedings therein with your Reasons at large for such Suspension as also for not communicating the same to the Council and then Duplicates thereof by the next opportunity

II. And Whereas we are sensible that Effectual care ought to be taken to oblige the Members of our said Council to a due Attendance therein in Order to prevent the many Inconveniences that may happen for want of a Quorum of the Council to transact business as occasion may require It is Our Will and pleasure that if any of the Members of our said Council residing in the Province shall hereafter willfully absent themselves from the Province and continue Absent for the space Twelve months without leave from you or from the Commander in Chief of the said Province for the time being first obtained under your or his hand and Seal or shall remain absent for the space of Two Years successively without our leave given them under our Royal Signature, their place or places in the said Council shall immediately thereupon become Void and that if any of the Members of the said Council residing in the said Province, shall willfully absent themselves from the Council Board, when duly summoned without a just and lawful cause, and shall persist therein after admonition, you suspend the said Councillors so absenting themselves, till Our further pleasure be known giving timely notice thereof to Our Comm.rs for Trade & Plantations

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in Order to be laid before us. and We do hereby Will and Require you that this our Royal pleasure be signified to the several Members of Our said Council and that it be entered in the Council Books of the said Province as a standing Rule

12. You shall take care that the Members of the Assembly be elected only by the Freeholders as being more agreable to the Custom of this Kingdom. to which you are as near as may be to conform yourself in all particulars

13. And Whereas the Members of several Assemblies in the Plantations have frequently assumed to themselves Privileges no ways belonging to them especially of being protected from Suits at Law during the Term they remain of the Assembly to the great prejudice of their Creditors and the Obstruction of Justice. And some Assemblys have presumed to Adjourn themselves at pleasure without leave from our Governor first obtained and others have taken on themselves the sole framing of Money Bills. refusing to let the Council amend or alter the same. All which practices are very detrimental to our Prerogative. if upon your calling an Assembly in South Carolina you find them insist upon any of the abovesaid Privileges You are to signify to them that it is our Express Will and pleasure that you do not allow any protection to any Member of the Council or Assembly. further than in their persons and that only during the sitting of the Assembly and that you are not to allow them to adjourn themselves. otherwise than de die in diem. except Sundays and Holidays without leave from

(you)

you or the Commander in Chief for the time being first obtained It is also our further Will and pleasure that the Council have the like power of Framing Money Bills as the Assembly

14. You are to observe in the passing of all Laws that the Stile of enacting the same be by the Governor. Council and Assembly You are also as much as possible to observe in the passing of all Laws that what ever may be requisite upon each different matter be provided for by a different Law without intermixing in one and the same act such things as have no proper relation to each other. And you are more especially to take care that no Clause or Clauses be inserted in. or annexed to any act which shall be foreign to what the Title of such respective Act imports And that no perpetual Clause be made part of any Temporary Law. And that no Act whatever be suspended or altered continued revived or repealed by General Words. but that the Title and date of such Act so suspended, altered. continued. revived or repealed be particularly mentioned and expressed in the enacting part.

15. And Whereas several Laws have lately been enacted in several of our plantations in America for so short a time that the Royal Assent or Refusal thereof could not be had thereupon before the time for which such Laws were enacted did expire you shall not therefore give your Assent to any Law that shall be enacted for a less time than five Years except in cases hereinafter mentioned And It is our further Will and pleasure that you do not re enact any Law to which the Assent

(of)

of Us. or Our Royal predecessors has been once refused without expresse leave for that purpose first obtained from Us upon a full Representation by You to be made to Our Commissioners for Trade and Plantations in order to be laid before Us of the Reason and necessity of passing such Law nor give your assent to any Law. for repealing any Law passed in your Government. whether the same has or has not received our Royal Approbation. unless you take care that there be a Clause inserted therein suspending and deferring the Execution thereof until Our pleasure shall be known concerning the same.

16. And Whereas great mischiefs do arise by passing Bills of an unusual and extraordinary nature and importance in the plantations which Bills remain in force there from the time of Enacting until Our Pleasure be signified to the contrary. We do hereby Will and require you not to pass or give your Assent to any Bill or Bills in the Assembly of the said Province of unusual and extraordinary Nature and Importance wherein Our prerogative or the Property of our Subjects may be prejudiced. nor to any Bill or Bills whereby the Trade and Shipping of this Kingdom may be any ways effected. until you shall have first transmitted unto the Commissioners for Trade and Plantations in order to be laid before Us the Draft of such a Bill or Bills and shall have received Our Royal pleasure thereupon. Unless you take care that in the passing of any Bills of such Nature as before mentioned there be a Clause inserted therein suspending and deferring the Execution thereof until our pleasure shall be known concerning the same

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17. You are also to take care that no private Act whereby the property of any private person may be effected be passed in which there is not a saving of the Right of Us. Our Heirs and successors. all Bodies Politic and Corporate. and of all other persons except such as are mentioned in the said Act and those claiming by from and under them. And further you shall take care that no such private Act be passed without a clause suspending the Execution thereof until the same shall have received our Royal Approbation. It is likewise our Royal Will and pleasure that you do not give your Assent to any private Act. until proof be made before You in Council (and entered in the Council Books) that public notification was made of the parties Intention to apply for such Act in the several parish Churches where the premises in question lye. for three Sundays at least successively before such Act was brought into the Assembly and that a Certificate under your hand be transmitted with and annexed to every such private Act. signifying that the same has passed through all the Forms abovementioned.

18. Whereas several Inconveniencies have arisen to Our Governments in the plantations. by Gifts and Presents made to the Governors by the General Assemblies. It is therefore our express Will and pleasure that neither you our Captain General and Governor in Chief. nor any other Governor Lieutenant Governor. Commander in Chief or President of the Council of our Province of South Carolina for the time being do receive any Gift or present from the

(assembly)

Assembly or others on any Account or in any manner whatsoever without our special Licence for that purpose first obtained. upon the pain of our highest Displeasure and of being recalled. But to the Intent that a proper provision may be made for the support of our Government you are hereby directed to propose unto the General Assembly and use Your utmost endeavour that An Act be passed for raising and settling a Public Revenue for defraying the necessary charge of the Government of the said Province and that therein provision be particularly made for a competent Salary to yourself as Captain General and Governor in Chief of our said Province and to any other succeeding Captain General and Governor in Chief for supporting the Dignity of the said Office as likewise due provision for the contingent charges of our Council and Assembly and for the Salaries of the respective Clerks and other Officers thereunto belonging as likewise of all other Officers necessary for the Administration of that Government. and when such Revenue shall so have been settled and provision made as aforesaid. then our Express Will and pleasure is. that neither you the Governor nor any Governor. Lieutenant Gov.r Commander in Chief or President of the Council of Our said Province of South Carolina for the time being do give or they give their Consent to or pass any Act in our said Province for any Gift or present or for the payment of any Money to you or them. or to any of the members of our Council. or to any other person whatsoever except to Us. Our

(Heirs)

Heirs and Successors without a Clause be inserted therein declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us Our Heirs and Successors

19. And we do further direct and require that this Declaration of our Royal Will and pleasure be communicated to the Assembly at their first Meeting after your Arrival in that Province and entered in the Journals of the Council and Assembly that all persons whom it may concern may govern themselves accordingly

20. You are to take care that in All acts or Orders to be passed within that our Province, in any case for levying Money or imposing Fines or Penalties, express mention be made that the same is granted or reserved to Us Our Heirs and Successors, for the Public Uses of that Province and the support of the Government thereof, as by the said Act or Order shall be directed, and you are particularly directed not to pass any Law or do any Act by Grant, Settlement or otherwise, whereby our Revenue may be lessened or impaired without Our especial Licence or Command therein

21. You are not to suffer any Public Money whatsoever to be issued or disposed of otherwise than by Warrant under your Hand by and with the Advice and consent of the Council. But the Assembly may nevertheless be permitted from time to time to view and examine all Accounts of Money or value of Money disposed of by Virtue of Laws made by them, which you are to signify unto them as there shall be occasion

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22 You are not to permit any clause whatsoever to be inserted in any Law for Levying money or the value of money whereby the same shall not be liable to be accounted for unto Us, and to Our Commiss.rs of Our Treasury or to our High Treasurer for the time being and audited by our Auditor General of Our plantations or his Deputy for the time being And we do hereby particularly require and enjoin you, upon pain of our highest displeasure to take care that Fair Books of Accos of all Receipts and payments of all public Moneys be duly kept and the Truth thereof attested upon Oath, and that all such Accounts be audited and attested by our Auditor General of our plantations or his Deputy, who is to transmit Copies thereof to Our Commissioners of our Treasury, or Our High Treasurer for the time being and that you do every half year or oftener send another Copy thereof attested by Yourself, to our Commissioners for Trade and plantations and Duplicates thereof by the next conveyance. In which Books shall be specified every particular Sum raised or disposed of, together with the Names of the persons to whom any payment shall be made to the end we may be satisfied of the right and due application of the Revenue of our said province with the probability of the encrease or diminution of it under every Head or Article thereof.

23 And it is our express Will and pleasure that no Law for raising any imposition on Wines or other strong Liquors be made to continue for less than one whole Year and also that all other Laws made for the supply and support of the Government shall

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be without limitation of time except the same be for a temporary service. and which shall expire and have their full Effect within the time therein prefixed

24 Whereas it hath been represented that a large Quantity of Paper Bills or Bills of Credit are now subsisting and passing in payment within Our Province of South Carolina without any fund for calling in. sinking and discharging the same. it is therefore Our Will and Pleasure that You do as soon as conveniently may be recommend to Our Council and Assembly of our s.d province to consider of a Law for establishing a proper Fund or Funds for calling in sinking and discharging the said Paper Bills or Bills of Credit now outstanding within a reasonable limited time And Whereas great inconveniencies and prejudice have arisen to the Trade and Commerce of our Colonies by frequent and large Emissions of Paper Currency It is therefore Our Will and Pleasure that you do not upon any pretence whatsoever give your Assent to any Bill or Bills for issuing any further Quantity of Paper Bills or Bills of Credit without Our Especial Licence for that purpose first had and obtained. until the Assembly of Our said Province shall have made ample provision for sinking and discharging the Paper Bills or Bills of Credit at present outstanding within a reasonable limited time as aforesaid and then only upon sudden and Extraordinary emergencies of Government in the cases of War or Invasion and upon no other occasion whatever

(and)

and provided in every such act so to be passed by you due care be taken to ascertain by You the real Value of such Bills of Credit & that an ample and sufficient Fund be provided for calling in, sinking and discharging the said Bills within a reasonable time not exceeding Five Years. Provided also that such Bills of Credit shall not be declared to be a legal Tender in payment of any private Contracts Bargains. Debts. Dues or Demands whatsoever within Our said Province. And Whereas it hath been a practice within Our said Province of South Carolina upon Extraordinary emergencies to pass Laws for the Emission of Public Orders in the Nature of Bills of Credit for defraying the expences arising upon such Emergencies for the sinking and discharging of which Provision has been made by the several Laws by which they were emitted It is therefore Our Will and Pleasure that you do not upon any pretence whatsoever give Your assent to any Bill or Bills whereby the time limited or the Provision made for the sinking and discharging such Public Orders as may be at present outstanding within Our said Province be protracted or postponed, or whereby any of the said Orders shall be depreciated in value, or whereby the same shall be ordered or allowed to be reissued or to obtain a new and further Currency. But on the contrary, that you do take particular care that the said Acts be punctually and faithfully complied with and the Public Orders sunk and discharged according to the Tenor

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of and within the periods limited by the said Acts

25. And Whereas An Act of Parliament was passed, in the 6th year of the Reign of her late Majesty Queen Anne, Entituled "an "Act for ascertaining the Rates of Foreign Coins in her Majesty's "plantations in America" which Act the respective Governors of all our plantations in America have from time to time been instructed to observe and carry into due Execution. And Whereas notwithstanding the same complaints have been made that the said Act has not been observed as it ought to have been in many of Our Colonies and plantations in America by means whereof many indirect practices have grown up and various and illegal Currencies have been introduced in several of our said Colonies and plantations contrary to the true Intent and meaning of the said Act and to the prejudice of the Trade of our Subjects. It is therefore Our Royal Will and Pleasure and you are hereby strictly required and commanded under pain of Our highest displeasure and of being removed from Your Government to take the most effectual care for the future that the said Act be punctually & bonâ fidè observed and put in Execution according to the true intent and meaning thereof.

26. And Whereas complaints have heretofore been made by the Merchants of the City of London, in behalf of themselves and of several others of our good subjects of Great Britain trading to Our plantations in America, that greater duties and impositions

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are laid on their Ships and Goods than on the Ships and Goods of persons who are natives and Inhabitants of the Plantations It is therefore Our Will and Pleasure that you do not upon any pretence whatsoever on pain of our highest displeasure give your Assent to any Law wherein the Natives or Inhabitants of the Province of South Carolina under your Government are put on a more advantageous footing than those of this Kingdom or whereby duties shall be laid upon British shipping or upon the product or Manufactures of Great Britain upon any pretence whatsoever

24. You are to examine what Rates and Duties are charged upon any Goods exported and imported within our said Province whether of the Growth or Manufacture of the said province or otherwise, and you are to suppress the Engrossing of Commodities as tending to the prejudice of that freedom which Trade and Commerce ought to have and to use your best endeavours in the Improving the Trade of those parts by settling such Orders and Regulations therein with the advice of our said Council as may be most acceptable to the generality of the Inhabitants and to send unto our Commissioners for Trade and Plantations in order to be laid before us yearly or oftener as occasion may require the best and most particular Accounts of any Laws that have been or shall at any time be made Manufactures set up or Trade carried on in the Province under your Government which may any ways affect the Trade and Navigation of this Kingdom And it is Our express Will and Pleasure that

(you)

do not upon any pretence whatever upon pain of our Highest Displea-
sure give your Assent to any Law or Laws for setting up or carrying
on any Trades which are hurtful and prejudicial to this Kingdom and
that you use your utmost endeavours to discourage. discountenance
and restrain any attempts which may be made to set up such Manu-
factures or establish any such Trades

28. Whereas Acts have been passed in some of our plantations in
America. for laying duties on the Importation and Exportation of
Negroes to the great discouragement of the Merchants trading thither
from the Coast of Africa and Whereas Acts have likewise been passed
for laying of Duties on Felons imported in direct opposition to an
Act of Parliament passed in the Fourth Year of his late Majesty
Our Royal Grandfathers Reign 'for the further preventing Robbery
'Burglary and other Felonies and the more effectual transportation
'of Felons &c.' It is Our Will and pleasure that you do not give your
Assent to, or pass any Law imposing duties on Negroes imported
into Our province of South Carolina. payable by the Importer, or
upon any Slaves Exported that have not been sold in Our said
province and continued there for the space of twelve months. It is
Our further Will and pleasure that you do not give your Assent to
or pass any Act whatsoever for imposing duties on the Importation of
any Felons from this Kingdom into South Carolina

29. And you are to transmit Authentic Copies of all Laws Statutes and
Ordinances. which may at any time hereafter be made or enacted within

(Our)

Our said Province. each of them seperately under the Publick Seal unto Us as aforesaid and unto Our Commissioners for Trade and Plantations within three months or sooner after their being enacted. together with duplicates thereof by the next Conveyance. upon pain of Our Highest displeasure. and of the Forfeiture of that Years Salary wherein you shall at any time and upon any pretence whatsoever omit to send over the said Laws. Statutes and Ordinances as aforesaid within the time above limited and also of such other penalty as we shall please to inflict and you are hereby directed to take care that the Copies and Duplicates of the said Acts be fairly Abstracted in the margins. But if it shall happen that no shipping shall come from our said Province within three months after the making such Laws Statutes and Ordinances whereby the same may be transmitted as aforesaid then the Sd Laws Statutes and Ordinances are to be transmitted by the next Conveyance after the making thereof. whenever it may happen for Our Approbation or disallowance of the same.

30. And Our further Will and pleasure is. that in every Act that shall be transmitted. the several dates or respective times when the same passed the Assembly and the Council and received your Assent be particularly expressed. And you are to be explicit as may be in your observations (to be sent to Our Commissioners for Trade and Plantations) upon every Act that is to say whether the same is introductive of a New Law. declaratory of a former Law or does repeal a Law then before in being. And you are likewise to send to Our

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said Commissioners the reasons for the passing of such Law: unless the same do fully appear in the Preamble of the said Act

31. You are to require the Secretary of our said Province or his Deputy for the time being to furnish you with Transcripts of all such Acts publick Orders as shall be made from time to time together with a Copy of the Journals of the Council and that all such Transcripts and Copies be fairly abstracted in the Margins to the end the same may be transmitted unto our Commissioners for Trade and Plantations in order to be laid before us which he is duly to perform upon pain of incurring the forfeiture of his place.

32. You are also to require from the Clerk of the Assembly or other proper Officer Transcripts of the Journals and other proceedings of the Assembly fairly abstracted in the Margin to the end the same may in like manner be transmitted as aforesaid.

33. Whereas it is necessary that our Rights and Dues be preserved and recovered and that speedy and effectual Justice be administered in all cases relating to our Revenue. You are to take Care that a Court of Exchequer be called and do meet at all such times as shall be needful. And you are upon your arrival to inform us by Our Commissioners for Trade and Plantations whether Our Service may require that a constant Court of Exchequer be settled and estab^{d} there

34. You shall not erect any new Court or Office of Judicature nor dissolve any Court or Office already erected or established without Our especial Order.

35. And Whereas frequent Complaints have been made of great delays and undue proceedings in the Courts of Justice in several of Our plantations whereby many of our Good Subjects have very much suffered And it being of the greatest importance to Our Service and to the Welfare of our plantations that Justice be everywhere speedily and duly Administered and that all disorders delays and other undue practices in the Administration thereof be effectually prevented we do particularly require You to take especial care that in all Courts where you are Authorized to preside Justice be impartially administered and that in all other Courts established within our said province. all Judges and other persons therein concerned do likewise perform their several Duties without delay or partiality

36. You are to take care that no Court of Judicature be adjourned but upon good grounds. as also that no orders of any Court of Judicature be entered or allowed which shall not be first read and approved of by the Magistrates in open Court. which rule you are likewise to see observed with relation to the proceedings of Our Council of South Carolina. And that all Orders there made be first read and approved in Council. before they are entered upon the Council Books.

37 You shall endeavour to get a Law passed (if not already done) for the restraining any Inhuman Severity. which by ill masters or Overseers may be used towards their Christian Servants and their Slaves. And that provision be made therein. that the wilful

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killing of Indians and Negroes may be punished with death and that a fit penalty be imposed for the maiming of them

38. You are to take care that all Writs within Our said Province be issued in Our Name.

39. Whereas it has been represented to Us that there is no Public Prison Erected in Our Province of South Carolina It is therefore Our Will and pleasure that you do in the most effectual manner recommend to the Assembly of the said Province that they make necessary Provision for erecting a Common Goal or Goals and keeping the same in repair agreeable to the practice of other British Colonies. And you shall also take care with the Advice and assistance of Our Council that all Court Houses and other Public Buildings that want reparation be forthwith repaired and put into and kept in such a Condition as is proper and necessary for the holding of Courts & keeping Offices

40. Our Will and Pleasure is that You or the Commander in Chief for the time being, do in all Civil Causes on Application being made to you or the Commander in Chief for the time being for that purpose permit and allow Appeals from any of the Courts of the Common Law in Our said Province unto you and the Commander in Chief and the Council of the said Province and you are for that purpose to Issue a Writ in the manner which has been usually accustomed returnable before yourself and the Council of the said Province who are to proceed to hear and determine such Appeal wherein such of the Council as shall be at that time Judges of

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of the Court from whence such Appeal shall be so made to you Our Captain General or to the Commander in Chief for the time being and to Our said Council as aforesaid shall not be admitted to Vote upon the said Appeal but they Nevertheless may be present at the hearing thereof to give the reasons of the Judgement given by them in the Causes wherein such Appeal shall be made Provided nevertheless that in all such Appeals the sum or Value appealed for do exceed the sum of Three hundred pounds Sterling. and that Security be first duly given by the Appelant to answer such Charges as shall be awarded in case the first sentence be affirmed. and if either party shall not rest satisfied with the Judgement of you or the Commander in Chief for the time being and Council as aforesaid Our Will and pleasure is that they may then appeal Unto Us in Our privy Council Provided the sum or Value so appealed for unto Us do exceed Five hundred pounds Sterling and that such Appeal be made within fourteen days after Sentence and good Security given by the Apellant that he will effectually prosecute the same and Answer the Condemnation. as also pay such Costs and damages as shall be awarded by us in case the Sentence of You or the Commander in Chief for the time being and Council be affirmed Provided nevertheless where the matter in Question relates to the taking or demanding any duty payable to Us or to any Fee of Office as Annual Rent or other such like matter or thing where the Rights in future may be bound, in all such cases you are to admit an Appeal to

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Us in our privy Council thó the immediat sum or value appealed for be less value than aforsaid. And it is our further Will and Pleasure that in all Cases where by your Instructions you are to admit of Appeals Unto Us in our Privy Council Execution be suspended until the final determination of such Appeals, unless good and sufficient security be given by the Appelle to make ample restitution of all that the Appellant shall have lost by means of such judgement or decree, in case upon the determination of such Appeal, such decree or judgement should be reversed, and restitution awarded to the Appellant.

41. You are also to permit Appeals to Us in our privy Council in all Cases of Fines imposed for Misdemeanours, Provided the Fines so imposed amount to or exceed the sum of One hundred pounds Sterling, the Appellant first giving good security, that he will effectually prosecute the same and answer the condemnation if the sentence by which such Fine was imposed in Sr. Carolina shall be confirmed.

42. You shall not appoint any person to be a Judge or Justice of the Peace without the Advice and consent of at least three of our Council, nor shall You execute yourself or by Deputy any of the said Offices. And it is our further Will and Pleasure that all Commissions to be granted by you to any person or persons to be Judges, Justices of the Peace or other necessary Officers be granted during pleasure only.

43. You shall not displace any of the Judges Justices, Sheriffs or other officers or Ministers within our said province without good and sufficient cause to be signified in the fullest and most distinct manner to Our Commissioners for Trade and plantations in Order to be laid before Us. by the first opportunity after such removal

44. You shall not suffer any person to Execute more Offices than one by Deputy

45. And you are with the Advice and Consent of our Council to take especial care to regulate all Salaries and Fees belonging to Places or paid upon Emergencies. that they be within the Bounds of Moderation. and that no exaction be made upon any occasion whatsoever. as also that Tables of all Fees be publickly hung up in all places where such Fees are to be paid. and you are to transmit Copies of all such Tables of Fees to our Commissioners for Trade and Plantations as aforesaid in Order to be laid before us

46. Whereas there are several Offices in our plantations granted under the Great Seal of Great Britain. and our Service may be very much prejudiced by reason of the absence of the Patentees and by their appointing Deputies not fit to officiate in their Stead. You are therefore to inspect such of the said Offices as are in Our said Province under your Government and enquire into the Capacity and Behaviour of the persons exercising them. and to report thereupon unto Us and to our Commissioners for Trade and Plantations what you think fit to be done or altered in relation thereunto. And you are upon the misbehaviour of any of the said patentees or their Deputies to suspend them from the

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execution of their places. till you shall have represented the whole matter unto Us and received our directions therein. And in case of the Death of any such Deputy It is our express Will and pleasure that you take care that the person appointed to execute the place until the Patentee can be informed thereof and appoint another Deputy do give sufficient security to the Patentee or in case of suspension to the person suspended to be answerable for the profits accruing during such interval by death or during such suspension. in case we shall think to restore the person suspended to his place again It is Nevertheless our Will and Pleasure that the person executing the place during such interval by Death or Suspension shall for his Encouragement receive the same Profits as the person dead or suspended did receive. And it is Our further Will and pleasure. that in case of the suspension of a Patentee the person appointed by you to Execute the Office during such suspension. shall for his Encouragement receive a Moiety of the profits. which should otherwise have accrued and become due to such Patentee giving security to such Patentee to be answerable to him for the other Moiety in case we shall think to restore him to his place again

47 You shall not by colour of any power or Authority hereby or otherwise granted or mentioned to be grant unto you take upon you to give Grant or dispose of any place or Office within our s[d] province which now is or shall be granted under the Great Seal of this Kingdom or to which any person is or shall be appointed by Warrant under our Signet or Sign Manual any further than that you may

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upon the Vacancy of such Offici or Place. or upon the suspension of any ouch Officer by you as aforesaid put in any fit person to officiate in the interval till you shall have represented the matter to Our Commissioners for Trade and plantations in order to be laid before us as aforesaid which you are to do by the first opportunity. and till the said Office or place be disposed of Us, Our heirs or Succcssors unda the Great Seal of this Kingdom. or until some person shall be appointed thereto. under our Signet and Sign Manual. or that our further directions be given therein And it is Our express Will and pleasure that you do countenance and give all due encouragement to all our patent Officers. in the enjoyment of their Legal and accustomed Dues. Rights. Privileges and Emoluments according to the True intent and meaning of their Patents 48. And Whereas several complaints have been made. by the Surveyors General and other Officers of our Customs in our plantations in America. that they are frequently obliged to serve on Juries. and personally to appear in Arms. whenever the Militia is drawn out and thereby are much hindered in the Execution of their employment Our Will and pleasure is that you take effectual care and give the necessary directions that the several officers of our Customs be excused and exempted from serving on any Juries. or personally appearing in Arms in the Militia. unless in case of absolute necessity or serving any parochial Office which may hinder them in the Execution of their duty 49. And whereas the Surveyors General of our Customs in the plantations are Impowered in cases of the Vacancy of any of the Officers of our Customs.

(by)

by death Removal or otherwise to appoint other persons to execute such Offices until they receive further directions from Our Commissioners of our Treasury or Our High Treasurer or Commissioners of our Customs for the time being but in regard the districts of our Surveyors General are very extensive and that they are required at proper times to visit the Officers in the several Governments under their Inspection. and that it may happen that some of the Officers of the Customs in the province of South Carolina. may die at the time when the Surveyor General is absent in some distant part of his district. so that he cannot receive advice of such Officers death. within a reasonable time and thereby make provision for carrying on the Service. by appointing some other person in the room of such Officer who may happen to die. therefore that there may be no delay given on such occasions to the Masters of the Ships or the Merchants in their despatches It is Our further Will and Pleasure in case of such absence of the Surveyor General, or if he should happen to die, and in such cases only. that upon the death of any Collector of our Customs within that our province you shall make Choice of a person of known Loyalty. Experience. Diligence and Fidelity to be employed in such Collectors room. for the purposes aforesaid. until the Surveyor General of our Customs shall be advised thereof and appoint another to succeed in their places or that further directions be given therein by Our Commissioners of Our Treasury or our High Treasurer or by the Commissioners of our Customs for the time being which shall be first signified taking care that you do not under pretence of this

(instruction)

instruction interfere with the powers and authorities given by the Commissioners of our Customs to the Surveyor General when he is able to put the same in Execution

50. Whereas it is convenient for Our Service that all the Surveyors Gen.l of our Customs in America for the time being should be admitted to sit and vote in the respective Councils of the several Islands and Provinces within their districts as Councellors extraordinary during their time of Residence there We have therefore thought fit to constitute and appoint and do hereby constitute and appoint the Surveyor General of Our Customs for the Southern District and the Surveyor General of our Customs within the said District for the time being to be Councillors extraordinary in Our said Province. And it is our Will and pleasure that he and they be admitted to sit and vote in our said Council as Councellors extraordinary, during the time of his or their Residence there. But it is Our Royal intention if through length of time, the said Surveyor General, or any other Surveyor General should become the Senior Councellor in the said province, that neither he nor they shall by Virtue of such Seniority, be ever capable to take upon him or them, the Administration of the Government there upon the death or absence of our Captains General or Governors in Chief for the time being But whenever such death or Absence shall happen the Government shall devolve upon the Councellor next in Seniority to the Surveyor General unless we should hereafter think it for our Service to nominate the said Surveyor General or any of our Surveyors

(General)

General Councillors in ordinary in any of the Governments within their Survey who shall not in that case be excluded any Benefit that attends the seniority of their Rank in Council.

51. It is our further Will and pleasure and you are hereby required by the first opportunity to move the Assembly of our said Province under your Government that they provide for the Expence of making Copies for the Surveyor General of the Customs in the said district for the time being of all Acts and papers which bear any Relation to the duty of his Office. and in the mean time you are to give orders that the said Surveyors General for the time being as aforesaid be allowed a free inspection in the Public Offices within your Government of all such Acts and papers without paying any Fee or Reward for the same

52. You are to transmit unto our Commissioners for Trade and plantations with all convenient speed a particular Account of all Establishments of Jurisdictions. Courts Offices and Officers Powers Authorities. Fees and privileges granted and settled within our said province together with an Account of all the Expences attending the Establishments of the said Courts and of such Funds as are settled and appropriated for discharging such expenses

53. Whereas great inconveniencies have arisen in many of our Colonies in America from the granting excessive Quantities of Land to particular persons which they have never cultivated and have thereby prevented others more industrious from improving the

the same more particularly in South Carolina where several persons claim a right to many thousand Acres which they have not yet taken up You are hereby directed to recommend to the Assembly of our said Province to pass an Act or Acts whereby the owners of all Lands already granted by the late Lords Proprietors shall be obliged within a reasonable time to take possession of and cultivate the Lands by them claimed on penalty of Forfeiture of such Right or Claim. and to prevent the like Inconvenience in future. in all Grants of Land to be made by you. by and with the Advice and Consent of our Council you are to take especial care that no Grants be made to any person but in proportion to his Ability to cultivate the same. and as the number of persons in each Grantees family will be the most reasonable measure for your Judgement in this particular You are therefore hereby directed to observe the following Method in all Grants to be made by you Viz!:-

That one hundred Acres of Land be granted to every person being Master or Mistress of a Family for himself or herself and fifty Acres for every White or Black Man. Woman or Child of which such persons Family shall consist at the Actual time of making the Grant. subject to a Quit Rent of four shillings Proclamation Money for every hundred Acres so granted to commence at the expiration of two Years from the date of each Grant on failure of which the Grant be void That every Grantee upon giving proof that he or she has fulfilled the terms and conditions of his or

(her)

her Grant shall be entitled to another Grant in the proportion and upon the Conditions abovementioned That all Grantees of Lands be obliged by the Terms of their Grants to clear and cultivate at the rate of Three Acres p Year for every hundred Acres contained in their Grants in failure of which their Grants shall be void

54. And it is Our further Will and pleasure that in all Grants of Lands to be made by You as aforesaid regard be had to the profitable and unprofitable Acres so that each Grantee may have a proportionable number of one sort and the other as likewise that the length of each Tract of Land to be hereafter Granted do not extend along the banks of any River but into the Main Land that thereby the said Grantees may have each a convenient share of whatever accomodation the said River may afford for Navigation or otherwise

55. Whereas it has been found by experience in our Provinces of New Hampshire and Massachusetts Bay that the settling of such persons as were disposed to become planters there in Townships hath redounded very much to their Advantage not only with the respect to the assistance they have been able to afford each other in their Civil Concerns but likewise with regard to the security they have thereby acquired against the Insults and incursions of the neighbouring Indians. We have therefore thought it for Our Service and you are hereby required as the Number of Inhabitants in the said Province shall by Gods Blessing increase to mark out and set apart such and so many Townships as shall appear

(16)

to you to be necessary for the reception and accomodation of them and of such persons as shall from time to time resort to the said province with a view of settling therein And it is Our further Will and pleasure that each of such Townships do consist of Twenty thousand Acres of Land to be laid out in Square plots of Ground one side if possible thereof to Front the Banks of a River and in each of these Townships you shall mark out a proper place for the situation of a Town to consist of so many Lots. and each Lot of such a quantity of Land as you shall Judge convenient and to each Inhabitant at their first settling there. besides their respective Town Lots. you shall grant One hundred Acres part of the abovementioned Twenty thousand Acres to every Master or Mistress of a Family. and Fifty for every Man. Woman or Child of which the Grantees Family shall consist under such limitations and restrictions as are hereinbefore directed Provided always and we do hereby declare it to be our Will and pleasure that in case any part of the lands lying within the Nine Townships directed to be laid out by Our Royal Grandfathers Instructions to Sa? Glen Esq late Governor of Our said Province. shall remain ungranted any person or persons who shall take up and settle upon the same shall be exempted from the payment of Quit Rents for Ten Years after the date of their respective Grant. And it is Our further Will and pleasure that the Grants so to be made by You as aforesaid shall be augmented from time to time as the abilities of the respective Inhabitants shall render them capable of cultivating

(more)

more Lands always taking care to proportion the profitable and unprofitable Land in each Grant and to mark the same out in such manner that every Grantee by the situation of his Land may reap equal advantages. and to the Intent that Land near the said Township may not be wanting for the convenience of the inhabitants as their substance shall increase no person. except the inhabitants shall be allowed to take up any Lands within six Miles of the said Townships respectively to which the 3d Townships shall be contiguous.

56. It is Our further Will and Pleasure that each of such Townships respectively be erected into a distinct parish. and that when any of the said intended Parishes shall have One hundred Householders they shall be enbled to send Two members to the Assembly and shall enjoy all such other privileges as do of right and common usage belong to other parishes in our said province And as a further encouragement to such persons as shall be disposed to settle in these Townships We are graciously pleased to allow the Inhabitants thereof a Right of Common and Herbage in and through all such Lands contained within the extent of the said Townships respectively as shall not be taken up by particular Grants made to the said Inhabitants And that a Quantity of Land not exceeding Three hundred Acres. contiguous to the said Town shall be set apart for a Common in perpetuity to each of the said Towns free from Quit rent.

(57)

57. And whereas we have been informed that the number of white men in our said Province bears too small a proportion to that of the Blacks. which is not only a hindrance to the peopling and settling but may be also of dangerous consequence from the attempts of an Enemy and even from an Insurrection of the Negroes. It is our Will and pleasure that You recommend in the strongest terms to the Assembly that they pass an Act giving suitable encouragement to all who shall import white servants into the Province either Men or Women and as an Encouragement to White Servants to go thither We are graciously pleased to allow you to grant One hundred Acres of Land free of Quit Rent for Ten Years to all White Servants Men or Women who shall have served their Masters the whole time of their Agreement and shall be willing afterwards to become Planters or Settlers in the said Province

58. And whereas nothing can more effectually tend to the further improving and settling the said Province. the security of the property of Our Subjects. and the advancement of our revenue of Quit Rents. than the Establishing a regular and proper method of proceeding with respect to the passing of Grants of Lands within the same It is therefore Our Will and Pleasure that all and every person and persons who for the future shall apply to you for any Grant or Grants of Land. shall previous to their obtaining the same make it appear before you in Council that they are in a Condition to cultivate and improve the

(same)

same by settling thereon in proportion to the Quantity of Acres a sufficient number of White persons or Negroes and in case you shall upon a consideration of the circumstances of the person or persons applying for such Grants think it advisable to pass the same in such case you are to cause a Warrant to be drawn up directed to the Surveyor General or other proper Officer empowering him or them to make a faithful and exact Survey of the Lands so petitioned for. and to return the said Warrant within six Months at farthest from the date thereof with a plot or description of the Lands so surveyed thereunto annexed. Provided that you do take care that before any such Warrant is issued as aforesaid a docquet thereof be entered in the Auditors Office And when the Warrant shall be returned by the Surveyor or other proper Officer. the Grants shall be made out in due form and the Terms and conditions required by these our Instructions shall be particularly and respectively mentioned in the said Grants. And it is our further Will and pleasure. that the said Grants shall be registered within Six Months from the date thereof in the respective Secretarys office there. and a docquet thereof be also entered in the Auditors Office there. or that in default thereof such Grant shall be void Copies of all which entries shall be returned regularly by the proper Officer. to the Commissioners of Our Treasury and to Our Commissioners for Trade and plantations within six months from the date thereof.

(59)

59. And Whereas for some years past the Governors of some of our plantations have seized and appropriated to their own use, the produce of Whales of several kinds taken upon these Coasts upon pretence that Whales are Royal Fishes, which tends greatly to discourage this branch of Fishery in Our plantations and to prevent persons from settling there It is therefore Our Will and pleasure that you do not pretend to any such claim nor give any manner of discouragement to the Fishery of our Subjects upon the Coast of the Province under your Government but on the contrary that you give all possible encouragement thereto.

60. You shall not remit any Fines or Forfeitures whatsoever, above the sum of Ten pounds, nor dispose of any Forfeitures whatsoever until upon signifying unto the Commissioners of Our Treasury or Our High Treasurer for the time being and to Our Commissioners for Trade and plantations, the nature of the Offence and the occasion of such Fines and Forfeitures with the particular sums or value thereof (which you are to do with all speed) You shall have received Our directions therein But you may in the mean time suspend the payment of the said Fines and Forfeitures

61. It is Our Will and pleasure that you do not dispose of any Forfeitures or Escheats to any person until the proper Officer has made enquiry by a Jury upon their Oaths into the true value thereof nor until you shall have transmitted to Our Commissioners of Our Treasury, and unto Our Commissioners for

(Trade)

Trade and plantations a particular Account of such forfeitures and Escheats and the Value thereof and shall have received our directions thereupon and you are to take care that the produce of such Forfeitures and Escheats in case we shall think proper to give you directions to dispose of the same be duly paid to our receiver General of the said Province. and a full Account thereof transmitted to the Commissioners of our Treasury or our High Treasurer for the time being and to our Commissioners for Trade and plantations with the Names of the persons to whom disposed and provided that in the Grants of all Forfeited and Escheated Lands there be a Clause obliging the Grantee to plant and cultivate three Acres in every year for every hundred Acres contained in his Grant in case the same was not so cultivated and planted before. and that there be proper savings and reservations of Quit Rent to Us Our Heirs and Successors

62 Whereas we have thought it necessary for our Service to constitute and appoint a Receiver General of the Rights and Perquisites of the Admiralty. It is therefore Our Will and Pleasure that you be aiding and assisting to Our Receiver General his Deputy or Deputies in the Execution of the said Office of Receiver General and We do hereby enjoin and require You to make up Your Accounts with him his Deputy or Deputies of all the Rights of Admiralty (Effects of pirates included) as you or your Officers shall or may at any time receive and to pay over to Our said

(Receiver)

Receiver General his Deputy or Deputies for our use all such Sum or Sums of Money as shall appear upon the foot of such Accounts to be and remain in your hands. or in the hands of any of your Officers And Whereas our said Receiver General is directed in case the parties chargeable with any part of such our Revenue. refuse. neglect or delay payment thereof. by himself or sufficient deputy. to apply in Our Name to Our Governors. Judges Attornies General or any Other Officers or Magistrates to be aiding and assisting to him in recovering the same It is therefore our Will and pleasure that You our Governor. Our Judges. Our Attornies General. & all other our Officers whom the same may concern. do use all lawful authority for recovering and levying thereof.

63 You are to permit a liberty of conscience to all persons (excepting papists) so as they be contented with a quiet and peaceable enjoyment of the same not giving offence or scandal to the Government

64. You shall take especial care that God Almighty be devoutly and duely served throughout your Government. the Book of Common Prayer as by Law established read each Sunday and Holiday and the Blessed Sacrament administered according to the Rites of the Church of England

65. You shall take care that the Churches already Built there be well and Orderly kept. and that more be Built as the Province shall by Gods Blessing be improved and that besides a competent maintenance to be assigned to the Minister of each Orthodox Church a convenient house be built at the Common Charge for each Minister and a competent proportion of Land assigned to him

(for)

for a Glebe and exercise of his Industry

66. And you are to take care that the Parishes be so limited and settled as you shall find most convenient for accomplishing this good Work

67. You are not to prefer any Minister to any Ecclesiastical Benefice in that Province without a Certificate from the Right Revd Father in God the Lord Bishop of London of his being conformable to the Doctrine and Discipline of the Church of England and of a good Life and Conversation and if any person already preferred to a Benefice shall appear to you to give Scandal either by his Doctrine or Manners you are to use the proper and usual means for the removal of him and to supply the Vacancy in such manner as we have directed

68. You are to give Orders forthwith (if not already done) that every Orthodox Minister within your Government be one of the Vestry in his respective Parish and that no Vestry be held without him, except in case of Sickness or that after Notice of a Vestry summoned he omit to come.

69. You are to enquire whether there be any Minister within Your Government who preaches or administers the Sacrament in any Orthodox Church or Chapel without being in due orders and to give an Account thereof to the Lord Bishop of London

70. And to the End the Ecclesiastical Jurisdiction of the Lord Bishop of London may take place in that Province so far as conveniently may be We do think fit that you give all countenance and encouragement to the Exercise of the same excepting only the Collating to Benefices

(granting)

granting Licencis for Marriages and probate of Wills We have reserved to you Our Governor and to the Commander in Chief of our said province for the time being as far as by Law we may

¶1. And we do further direct that no Schoolmaster be henceforward permitted to come from this Kingdom. and to keep school in that Our said province. without the License of the said Lord Bishop of London and that no other person now there or that shall come from other parts shall be admitted to keep School in South Carolina without your License first obtained.

¶2. And you are to take especial care to keep a Table of Marriages established by the Canons of the Church of England. hung up in every orthodox Church and duly observed and you are to endeavour to get a Law passed in the Assembly of that province (if not already done) for the strict Observation of the said Table.

¶3. The Right Revd. Father in God Edmund late Lord Bishop of London. having presented a petition to His late Majesty King George the First. humbly beseeching him to send Instructions to the Governors of all the plantations in America that they cause all Laws already made against Blasphemy. Profaneness. Adultery. Fornication. Polygamy. Incest. Profanation of the Lords Day Swearing and Drunkenness in their respective Governments to be vigorously executed. And we thinking it highly just that all persons. who shall offend in any of the particulars aforesaid. should be prosecuted and punished for the said offences. It is

(therefore)

therefore Our Will and pleasure that you do take due care for the punishment of the forementioned Vices and that you earnestly recommend to the Assembly of South Carolina to provide Effectual Laws for the restraint and punishment of all such of the aforementioned Vices against which no Laws are as yet provided And also you are to use your Endeavours to render the Laws in being more effectual by providing for the punishment of the aforementioned Vices by presentment upon oath to be made to the Temporal Courts by the Churchwardens of the several parishes at proper times of the year to be appointed for that purpose And for the further discouragement of Vice and the Encouragement of Vertue and good Living that by such Example the Infidels may be Invited and persuaded to Embrace the Christian Religion You are not to admit any person to publick Trusts and Employments in the prounce under your Government whose ill fame and conversation may occasion scandal And it is our further Will and pleasure that you recommend to the Assembly to enter upon proper methods for the Erecting and maintaining of Schools in order to the training up of Youth to reading and a necessary knowledge of the principles of Religion And you are also with the assistance of the Council and Assembly to find out the best means to facilitate and encourage the conversion of the Negroes and Indians to the Christian Religion

14. You shall send to our Commissioners for Trade & plantations by the first Conveyance in order to be laid before Us an Account

(of)

of the present number of Planters and Inhabitants. Men Women and Children as well masters as servants free, unfree, and of the Slaves in our said province As also a Yearly account of the Increase or Decrease of them and how many of them are fit to bear Arms in the said Province.

¶5. You shall also cause an exact Account to be kept of all persons born Christened or buried and send yearly Abstracts thereof to Our Commissioners for Trade and plantations

¶6. And we do further expressly command and require you to give unto Our Commissioners for Trade and plantations an account every half year of what number of Negroes the said province is supplied with

¶7. You shall take care that all planters Inhabitants and Christian Servants be well and fitly provided with Arms and that they be listed under good Officers and as often as shall be thought fit mustered and trained whereby they may be in better readiness for the defence of the said province. And for the greater security thereof you are to appoint fit officers and Commanders in the several parts of that Province bordering upon the Indians who upon any Invasion may raise men and Arms to oppose them, until they shall receive directions therein. But you are to take especial care that neither the frequency nor unreasonableness of remote Marches, Musters or Trainings be an unnecessary impediment to the affairs of the Inhabitants and you shall not upon any occasion whatsoever establish or put in execution any Articles of War or other Law Marhal upon any of our Subjects Inhabitants

(of)

of the said Province, without the advice and Consent of our Council
78. And whereas you will have received from our Commissioners for
executing the Office of High Admiral of Great Britain and of the Plan-
tations, a Commission constituting you Vice Admiral of our said Pro-
vince you are hereby required carefully to put in Execution the several
powers and authorities thereby granted to you
79. And there having been great irregularities in the manner of gran-
ting Commissions in the plantations to private Ships of War you are to
govern yourself whenever there shall be occasion according to the
Commissions and Instructions granted in this Kingdom. Copies of
which will be herewith delivered to you. But you are not to Grant
Commissions of Marque or Reprizal against any Prince or State, or
their Subjects in amity with us, to any person whatsoever without
our Special command and you are to oblige the Comanders of
all Ships having private Commissions to wear no other Colors than
such as are described in an Order in Council of the 7th. of Jan.y
1730 in relation to Colors to be worn by all Ships of War
80. Whereas we have been informed that during the time of War
our enemies have frequently got Intelligence of the State of our Plan-
tations by Letters from private persons to their Correspondents in
Great Britain, taken on board Ships coming from the plantations
which has been of dangerous consequence, our Will and pleasure
therefore is, that you signify to all Merchants, Planters and others
that they be very cautious in time of War, whenever that shall
(happen)

happen in giving any Account by Letters of the public State and Condition of Our Province of South Carolina And you are further to give directions to all Masters of Ships. or other persons to whom you may entrust your Letters that they put such Letters into a Bag with a sufficient Weight to sink the same immediately in case of imminent danger from the Enemy and you are always to let the Merchants and planters know how greatly it is for their interest that their Letters should not fall into the hands of the Enemy. And therefore that they should give the like orders to Masters of Ships in relation to their Letters And you are further to advise all Masters of Ships. that they do sink all Letters in case of danger in the manner beforemen.d

81. And Whereas the Merchants and planters in America. have in time of War corresponded and traded with our Enemies and carried intelligence to them to the great prejudice and hazard of the British plantations. You are therefore by all possible Methods to endeavour to hinder all such Trade and Correspondence in time of War.

82. Whereas Commissions have been granted unto several persons in our respective plantations in America for the trying of Pirates in those parts pursuant to the several Acts for the more Effectual suppression of Piracy. And by a Commission already sent to Our province of South Carolina. you as Captain General and Governor in Chief of our said Province are empowered with others therein menhoned to proceed in reference accordingly to the province of

(South)

South Carolina Our Will and pleasure is that in all matters relating to pirates you govern yourself according to the intent of the said Acts and Commission aforementioned

83 Whereas it is absolutely necessary that we be exactly informed of the State and defence of all Our plantations in America as well in relation to the Stores of War that are in each plantation as to the Forts and Fortifications there and what more may be necessary to be built for the defence and security of the same. You are so soon as possible to prepare an Account thereof with relation to the said Province in the most particular manner And you are therein to express the present State of the Arms Ammunition and other Stores of War belonging to the said Province either in any publick magasines. or in the hands of private persons together with the state of all places either already fortified or that you judge necessary to be fortified. for the security of Our said Province And you are to transmit the said Accounts to Our Commissioners for Trade and plantations in order to be laid before us As also a duplicate thereof to the Master General or principal Officers of our Ordnance which Accounts are to express the particulars of Ordnance Carriages Ball powder and other sorts of Arms and Ammunition in the publick Stores at your arrival and so from time to time of what shall be sent to you, or bought with the Publick money and to specify the time of the disposal and the occasion thereof and other like Accounts half yearly in like manner

(84)

84. And in case of distress of any of our plantations you shall upon application of any of our respective Governors thereof to you assist them with what aid the condition and safety of our said province under your Government can spare.

85. You are from time to time to give an account as before directed, what strength your neighbours have (be they Indians or others) by Sea and Land and of the condition of their plantations and what correspondence you do keep with them

86. And Whereas there is great reason to believe that the Indians on the Frontiers of South Carolina who have of late years fallen off from the British Interest there, have been in some measure provoked thereto, by the Injustice and ill usage which they have received from our Subjects in Your Government. And it being highly necessary for the Welfare of Carolina that a good understanding should be maintained with the said Indian Nations as well for the promoting of Trade as for the security of the Frontiers of our said Province, you are hereby particularly enjoined to use all possible ways and means for regaining the affections of the said Indians and to preserve a good correspondence with such of them as remain faithful to our Interest. but especially with the Cherokee Indians inhabiting the Mountains on the North West side of the said province of South Carolina and you are likewise hereby directed to recommend in the Strongest Terms to the Indian Traders to be just & reasonable

in

in their dealings with the Native Indians and likewise to propose to the Assembly if you and our Council there shall judge it necessary to pass one or more Laws for the better regulation of the said Indian Trade and for the Encouragement and protection of such Indians as shall adhere to our Interest

87. You shall cause a survey to be made of all the considerable landing places and Harbors in our said Province, and with the Advice of Our Council there Erect in any of them such Fortifications as shall be necessary for the security and advantage of the said province and that fit Storehouses be settled in the said province for receiving and keeping of Arms, Ammunition and other public Stores all which is to be done at the Public and you are accordingly to move the General Assembly to the passing of such Acts as may be requisite for the carrying on of that Work in which we doubt not of their cheerful concurrence from the common security and benefit they will receive thereby

88. You shall transmit unto us and to Our Commissioners for Trade and Plantations, by the first opportunity a Map with an exact description of the whole province under your Government, with the several plantations upon it and of the Fortifications, as also of the Bordering Spanish and Indian settlements

89. You are likewise from time to time to give unto Our Commissioners for Trade and plantations as aforesaid in orda

(10)

be laid before Us an Account of the Wants and Defects of the said Province, what are the Chief products thereof, what new improvements are made therein by the Industry of the Inhabitants or Planters, and what further Improvements you conceive may be made, or advantages gained by Trade, and which we may contribute thereto.

90. If anything shall happen which may be of advantage or Security to our said province which is not herein or by Our Commission provided for. We do hereby allow unto you with the Advice and consent of our said Council to take order for the present therein, giving unto Our said Commissioners for Trade and plantations speedy notice thereof in Order to be laid before us, that so you may receive Our Ratification thereof, if we shall approve of the same Provided always that you do not by color of any power or authority hereby given you commence or declare War without our knowledge or particular Commands therein except it be against the Indians upon Emergencies, wherein the consent of our Council shall be had and speedy notice thereof given Our Commissioners for Trade and plantations in Order to be laid before Us

91. And Whereas great prejudice may happen to Our Service and to the Security of Our said province by your absence from those parts, You are not upon any pretence whatsoever to come over to Europe, without having first obtained leave for so doing from Us under our Sign Manual and Signet or by Our Order in Our Privy Council. Yet nevertheless in case of Sickness, you may go

to New York or any other of our Northern plantations. and there stay for such a space as the recovery of your Health may absolutely require

Q2. And Whereas we have thought fit by our Commission to direct that in case of your death or Absence from our said Province and in case there be at that time no person upon the place Commissionated or appointed by us to be our Lieutenant Governor or Commander in Chief the eldest Councillor whose name is first placed in these our Instructions to you. and who shall be at the time of your death or absence residing within our said Province of South Carolina. shall take upon him the Administration of the Government. and execute Our said Commission and Instructions and the several powers and Authorities therein contained in the manner thereby directed. It is nevertheless our express Will and Pleasure. that in such case the said President. shall forbear to pass any Acts. but what are immediately necessary for the peace and Welfare of our said Province. without Our particular Order for that purpose. And that he shall not take upon him to dissolve the Assembly then in being. nor to remove or suspend any of the Members of our said Council. nor any Judges Justices. of the peace or other Officers Civil or Military without the consent of at least Seven of our Council and the said President is to transmit to our Comm^rs for Trade and plantations by the first opportunity. in order to be laid before us. the reasons for

(such)

such alterations signed by himself and by our Council.

Q3 And Whereas we are willing in the best manner to provide for the support of the Government of our said province by setting apart a sufficient allowance to such as shall be our Lieut.t Governor. Commander in Chief or President of our Council for the time being. within the same Our Will and pleasure therefore is that when it shall happen. that you shall be absent from Our said province. one full Moiety of the Salary and of all perquisites and Emoluments whatsoever which would otherwise become due unto you shall during the time of your absence from our said province. be paid and satisfied unto such Lieutenant Governor. Commander in Chief or President of Our Council who shall be resident upon the place for the time being. which we do hereby and allot to him towards his maintenance and for the better support of the dignity of the Government

Q4. And you are upon all occasions to send unto our Commissioners for Trade and plantations only. a particular account of all Your proceedings and of the condition of affairs within your Government in Order to be laid before us. provided nevertheless whenever any occurrence shall happen within Your Government of such a nature and importance as may require Our more immediate direction by one of Our principal Secretaries of State. and also upon all occasions and in all affairs whereon you may receive our orders by one of our Secretaries of State you shall in all such cases transmit to our Secretary of State only an account of all such occurrences and of your proceedings relative to such Orders.

B.P.R.O. So Carolina B.T. Vol: 30. M 35.

Charles Town, September 23d 1761.

My Lords,

I have the honor of acquainting your Lordships that Attakullakulla commonly known by the name of the Little Carpenter, being impowered by the Cherokee Nation had sued on the 2d instant for Peace to Colonel Grant in his Camps near Ikorree. And that before Colo Grant entered their Country, at his desire and to avoid the delay which must be occasioned by sending Messages when an Application should be made for Peace, as it was expected they would, after receiving a smart check from Colonel Grant I had drawn up and sent to him such Terms of Peace as I thought consistent with the Honor of His Majesty's Arms and would provide for the Interest and future security of this and the neighbouring Provinces, which had been infested by these Savages, on which Colonel Grant might agree to a suspension of Hostilities, until Peace was compleated.

These Terms were accordingly made known

known to Colonel Grant, and as the first Article, calculated to exact from the Indians an acknowledgment of our superiority in Arms, as well as satisfaction for their past outrages, and by a severe example deter them from future, required their delivering up to be put to death by Colonel Grant, or putting to death in their own way, four Cherokees, one from each of their Districts, whom they judged to have been the principal Causes of bringing on their present distress; Attakullakulla said he could not consent to that without returning to the Nation for their direction thereon, but consented to all the other Articles. Colonel Grant replied he could not relax that Point as the Terms were dictated by me, but being unwilling to lose time told him to come down and solicit me for Peace, and the dispensing with that Article. Attakullakulla came down, and I gave him an audience, on the 13th instant, at which he produced his Credentials in strings of white beads, and sued for Peace accordingly.

Upon mature consideration of all circumstances had in the Council and Assembly, whose

whose advice I desired on the whole matter, on this important occasion, I was advised by both Houses to recede from the first Article, and grant the Cherokees Peace on the rest of the Terms as they now stand, differing in nothing material from those sent by me the 11th of April last to Colonel Grant.

After this I gave Attakullakulla my Answer, that I granted Peace to the Cherokee Nation, on the Terms, which I caused to be interpreted to him, and delivered into his hand a copy thereof under the Broad Seal of the Province which I had signed, and he had acknowledged his acceptance of, to be carried by him up to his Nation, for their consideration and Approbation at a General Meeting on the 13th of October at Chote, after which they are to send some of their Head men as Deputies from their several Districts, distinguished by the Upper, Valley, Middle and Lower Settlements, to Charles Town, that the Peace may be there finally ratified in the most formal manner, and the carrying on the Trade with them settled in such way as shall secure the Traders from being exposed to death at the Caprice

of

of the Savages, or for their own indiscreet behaviour as formerly two or three Traders only lived in a Town where there were fifty or one hundred Indian men.

I have the honor to lay before your Lordships a Copy of the Treaty signed this day by myself and Attakullakulla, and I expect about the 28th of October to hear the result of their deliberations thereupon. If the Headmen do come down accordingly, It will give well grounded Hopes that this Peace will be faithfully observed and continue long; If they decline coming down, It will shew either that they entertain some suspicion, notwithstanding the Requisition of the four Victims was withdrawn, that their Persons will be arrested in retaliation for their breach of the Capitulation of Fort Loudoun, and other Outrages which some wicked White men who have resided among and joyned the Indians during the War, have instilled into them, or that they only wait for Colonel Grants retiring from their Country, to renew their Hostilities at the Instigation of French Emissaries, who have been frequently among them during the War. Tho' I

am

am willing to hope their want of supplies of goods, with the additional distress by Colonel Grant's Expedition, will incline them to Peace.

Every month produces some Alarms from the irregularities in the Behaviour of the Creeks, incited by the incessant Intrigues of the French, And I think it scarcely in our power to put an effectual stop thereto until the French are removed from Louisiana. That Colony in its present weak state would afford an easy Conquest to His Majesty's Arms, but if it bear the good fortune to escape at present, may grow up into future Crown Points, from whence the Frontiers of the Neighbouring English Provinces may be continually harrassed by small Indian Scalping Parties. Altho' I have taken the liberty of mentioning this matter to your Lordships in my former Letters more at large, I must intreat your Lordships pardon for repeating it, But some late Outrages committed by the Creeks, and their late offensive alliance concluded at the Albama Fort with the French and Chactaws, to which the Cherokees are invited to accede, in order to destroy the small Nation of the Chickesaws for their faithful

faithful Attachment to the English, have almost necessarily drawn it from me. The Situation of the Chickesaws exposes them to the more danger as they cannot receive supplies of Cloathing or Ammunition from the English to sustain the War, but passing thro' the Creek or the Cherokee Country. However the Expedition, said to be intended against Louisiana, which we consider as the only effectual remedy to these Evils, keeps up our Spirits; and altho' it is not carried into execution so soon as our apprehensions of danger from that Quarter, and our own Impatience may wish, We humbly trust that His Majesty's Royal wisdom and paternal care, seconded by the Vigilance of His Ministers and General, will provide effectually for our security thereby, whenever those Objects of greater Importance that now employ His Majesty's Attention and Arms shall be happily attained.

As the danger of loosing the Copies of Acts of General Assembly and the Journals of the Council and Assembly, if sent in a Merchantship, is to plead my apology to your Lordships for not sending them until the safe opportunity of

of one of the King's ships offers, I shall for your Lordships Information make a short relation of those Acts which have been lately past, concerning the Public Welfare of this Province. To expedite the march of the Army an Ordinance was past 24th of January last to authorize impressing and regulating the Hire of Waggons for His Majestys service, And on the 26th of March an Act was passed for the continuing, meeting and sitting of the General Assembly of this Province in case of the demise of the King. As the want of Men has been very sensibly felt in our repeated and vain endeavours, for our own defence, to raise a Regiment of one thousand men for the vigorous prosecution of the War against the Cherokees, owing in some degree to the impediency of drawing many Men from the settled Parts of the Province where the number of Negroes greatly exceed the White Men, a Law was passed 25th July 1761 giving four pounds sterling towards paying the Passage of every poor Protestant about that shall come over and settle here, and Forty shillings towards Tools and provisions; the Expence whereof is defrayed chiefly by duties imposed on

Purchasers

Purchasers of Negroes imported.

By another Act passed June 2d 1761, a duty on Wine and Rum is continued, applicable towards maintaining the incompleat Regiment of Foot raised for the Expedition against the Cherokees, and now continued in obedience to His Majesty's Royal Requisition signified by the Right Honourable Mr Secretary Pitt.

And to preserve good order in Charles Town where the number of Negroes is great and dangerous, a Company of Soldiers for a Nightwatch is established and paid by monies arising by Tavern licences

And the sum of three hundred and eight thousand, eight hundred and twenty eight pounds, seventeen shillings and one penny halfpenny to defray the charges of this Government from the first day of January 1760 to the 31st day of December 1760 was provided for by the Tax Act passed 30th July 1761, The monies raised and applied by this Act are equal to Forty four thousand one hundred and eighteen pounds sterling.

I must observe to your Lordships that this Tax is the heavier, being all raised in one year, and

and does not comprehend the Sales of Credit that have been pledged for sundry occasions since the first day of last January, and that our Expences are greatly enhanced by the high pay we are obliged to give, from the scarcity of them, to induce them to inlist; for the Pay of our Light Horse called Rangers is twenty pounds Currency, or two pounds seventeen shillings sterling per Month, and to our Foot, thirteen pence sterling a day to each private; besides inlisting Bounty Tents, Arms, Cloathing &c. as well as great Presents to Indians; and subsisting the private Frontier Forts, in a remote part of the Province, exhausted by the devastation of the Enemy, and by a stop put for sometime to planting there

I shall not trespass further at present on your Lordships time, but conclude my letter with begging leave to profess myself to be,

with the greatest respect
my Lords, your Lordships
most obedient & most humble servant
Wm Bull

To the Right Honble
the Lords Commrs for
Trade & Plantations
White hall.

No. 35.

Received
Read Dec.r 10. } 1761.

B P R O. So Carolina. B T Vol: 20 Ff 36
Inclosed in Gov^r Bull's letter of Sept^r 23^d 1761.

The Terms of Peace
to be granted to the
Cherokee Indians

Whereas War has subsisted for sometime past between the Cherokee Indians, and His Majesty's Subjects, particularly of the Provinces of Virginia, North, and South Carolina; And whereas the said Cherokee Indians have applied to me for Peace, by Attakullakulla one of their principal Headmen, specially deputed and authorized for that purpose, and they having by their said Deputy expressed their earnest desire, that an End may be put to the War and Peace restored, which Application having duly considered, and being desirous to deliver the said Indians, from the Hardships and Distresses, which the said War has brought upon them, as well as to remove the Inconveniences, which attend His Majesty's subjects whilst they are engaged in such a War, I have therefore thought proper to grant them a Peace on the Conditions contained in the

several

several Articles hereafter set down.
And it is hereby stipulated between the the Hon.ble William Bull Esq.r Lieut. Governor and Commander in Chief of His Majesty's Province of South Carolina, on behalf of His Majesty, and the said Attakullakulla on behalf of the Cherokee Indians, That Peace shall be restored, confirmed and established between His Majesty's subjects and the Cherokee Indians - Which Peace it is intended, shall endure as long as the sun shall shine, and Rivers continue to run into the Sea.
1st All English Prisoners, Negroes, Horses and Cattle in their possession to be delivered up immediately to Colonel Grant.
2nd Fort Loudoun and the Cannon belonging thereto, now lying at Chote, to be delivered up to any Persons, sent to take charge of them, and any Forts shall be built hereafter in the Cherokee Nation when the same is thought necessary by the English.
3d The Cherokees shall not admit any Frenchmen into their Nation, and if any should come, the Cherokees shall assist us, at least shall not pretend to interpose their protection, to

prevent

prevent us when we think proper to apprehend the Frenchmen.

4th Any Indian, who murders any of His Majesty's Subjects shall be immediately put to death by the Cherokees as soon as the Murder and Murderer are known in the Cherokee Nation, and that the Head or Scalp of the Murderer be brought to the Commander of the next English Fort.

5th The Cherokees shall not hunt to the Eastward of Twenty six Mile River, nor the English to the Westward of it, to prevent any Quarrels or Wrecking that may be occasioned from the Hunting Parties meeting in the Woods.

6th That to prevent as much as may be, any Disturbances that may arise between the Cherokees and the White People on the Back Settlements, No Cherokee Indian shall come down into the Province within the limits of Twenty six Mile River on any pretence whatsoever, without some white person in Company, or unless by the Order and permission of their Government, And that all White Men whether French or English, who have been amongst the Cherokees, And have aided and assisted them during the late War

shall

shall be delivered up.
7th The Cherokees shall not molest the Creatures belonging to, nor trespass on the Grounds, necessary for planting and pasturage for the use of the Garrison of Forts built, or to be built, in their Nation.
8th The Catawbas and Chickesaws to be comprehended in their Peace.
9th That all the Cherokee Prisoners we have taken shall be restored.
10th Our Friendship shall be granted to them, a Firm Peace shall be made, and finally ratified in Charles Town; Trade shall be renewed, and plenty of Goods sent up, to be exchanged for their skins to supply their wants.
11th And as equal justice is the surest Foundation of a lasting Peace, it shall be agreed, that when an Englishman murders a Cherokee, the Cherokees shall not put him to death, but he shall be delivered to the Officer of the Fort, sent Prisoner to Charles Town, and there tried according to our Laws, and if found guilty, to be executed in presence of some Cherokees if they desire to be present; And when the Cherokees think they are injured

injured by the English in their Nation, the Cherokees are not to take revenge themselves, but shall make Complaint to the Commander of the next English Fort, to be from thence transmitted to the English Governor, who will right them there in according to our Laws, and when the Cherokees injure any English among them on complaint thereof the Cherokees shall right the injured; Thus the guilty will only be punished on both sides; their Friendship, Peace and Trade will be preserved; but when they cease to observe this Treaty, Friendship, Peace and Trade, will also cease.

12th That Attakullakulla communicate these stipulations to the Nation on his return, and Acquaint them, that in order to have these Articles of Peace, finally ratified and confirmed, so that our old Friendship may be renewed, and last as long as the sun shines and Rivers run, some of the Headmen from the Upper, the Valley, the Middle and Lower Settlements shall come down to Charles Town, and confirm these Stipulations, and then settle such matters, as concern the Trade to be carried on with their Nation.

In

In Testimony whereof both Parties have hereunto interchangeably set their hands, and I the said William Bull have caused the Great Seal of this His Majesty's said Province to be hereunto affixed, this Twenty third day of September in the year of Our Lord One thousand seven hundred and sixty one, And in the first year of His Majesty's reign.

Wm Bull

I Attakullakulla do accept of the foregoing Terms of Peace on behalf of the Cherokee Nation

his
Attakul-O-lakulla
mark

M 36

Received
Read Dec[r] 10[th] } 1761

B.P.R.O. B.T. South Carolina Vol 29

13. November 1761

To the Kings most Excellent Majesty

May it please Your Majesty

There being but Ten persons appointed by your Majesty to be of the Council of South Carolina and Daniel Blake Esq having been recommended to us as well qualified to serve Your Majesty in that Station We humbly beg leave to propose that he may be appointed of Your Majesty's said Council of South Carolina

Which is most humbly submitted

Sandys

Ed Bacon

John Yorke

Geo: Rice.

B.P.R.O. So. Carolina B.T. Vol. 20 M. 37

Charles Town, Decem.r 5.th 1761

My Lords,

Governor Boone not being yet arrived, though daily expected, I have the honour once more to write to your Lordships an account of our present situation. As Colonel Grant informed me that the South Carolina Regiment of Foot was reduced so low by Desertion and discharges according to the terms of their Inlistment, that it could be of no real use in case any military operations were carried on in this Province, and on considering our circumstances, and that a punctual observance of the Terms of their Engagement would be the most probable means of speedily raising Troops on any Emergency, I did with the advice of his Majesty's Council on the 15.th of last month, issue Orders for disbanding that Regiment on the 25.th of November. However as the Peace with the Cherokees was not finally concluded in Charles Town according to the Treaty, I kept four Troops of Rangers in pay, amounting to 300 men

men effectives.

I am further to acquaint your Lordships that the Little Carpenter having on the 14th. of last month arrived at Fort Prince George with several Headmen, tho' not the Chief Rulers of the Cherokees, in order to come to Town. I have lately received intelligence that while he was there a great quarrel had arisen between him and the Headmen, that they had separated from him and returned back to their Towns.

I must observe to your Lordships that I have not received any account of this matter yet from Colonel Grant, who is still at Ninety Six; and therefore I shall not presume to surmise the cause or consequence of such an Event, upon my own Conjecture; but as soon as I receive a particular account thereof, from Colonel Grant, which I suppose will be as soon as it is thoroughly understood by him, which his nearness to the Indian Country, and other circumstances enable him to be early and well informed of, I shall do myself the honour to lay it before your Lordships. In the meantime I thought it my duty to give even this imperfect

imperfect Relation to your Lordships, lest I should appear remiss in not communicating any matter which may be attended with effects that were not apprehended before
If this Affair should take a happy turn, I hope your Lordships will impute this mention of it to my desire of giving the earliest notice of what changes may possibly if not probably happen.

I have the honor to be with the greatest respect
My Lords,
Your Lordships
Most obedient and
most humble servant
Wm Bull

To
The Right Honble
the Lords Commissioners
of Trade & Plantations
White Hall

Ill 37
Received
Read Jan^y 20 } 1762
~~1677~~

B P R O B T South Carolina Vol 29

11 December 1761

To the Right Hon^ble The Earl of Egremont

One of His Maj^ty principal Secretaries of State

My Lord

Having received a Letter from Wm Bull Esq Lieut Governor of the Province of South Cardina dated at Charles Town the 23rd of September last acquainting us that Preliminary Articles for a General pacification with the Cherokee Indians had that day been agreed upon and signed by him and Attakulla Kulla one of the Chiefs of the said Indians We think it our duty to transmit to Your Lordship the enclosed Copy of the said preliminary Articles and also an Extract of so much of Mr Bull's letter as relates to this transaction and the situation of that Province in respect to the French settlements in Louisiana and to desire Your Lordship will be pleased to lay them before His Majesty. We are My Lord &c

Sandys
Ed Bacon
Geo Rice
Seame Jenyns

B. P. R. O. America & W. Indies. Vol 77.
Circular Letter

Whitehall
Dec.r 12.th 1761

Sir,

As the King has nothing so much at Heart as to secure and improve the great & important Advantages gained since the commencement of this War in North America, and having seen his good Dispositions to restore the Publick Tranquility entirely frustrated by the Insincerity and Chicane of the Court of Versailles in the late Negotiation; and as nothing can so effectually contribute to the great and essential Object of reducing the Enemy to the Necessity of accepting a Peace, on Terms of Glory and Advantage to His Majesty's Crown and beneficial in particular to His Subjects in America, as the King's being enabled to employ, as immediately as may be, such Part of the Regular Forces in North America, as may be adequate to some great and important Enterprize against the Enemy; I am commanded to signify to you the King's Pleasure, that, in order the better

to

to provide for the full and entire security of His Majesty's Dominions in North America, and particularly of the Possession of His Majesty's Conquests there, during the absence of such Part of the Regular Forces, you do forthwith use your utmost Endeavours and Influence with the Council and Assembly of your Province, to induce them to raise with all possible Dispatch within your Government as large a Body of Men as the Number and Situation of it's Inhabitants may allow, and forming the same into Regiments, as far as shall be found convenient, that you do direct them to hold themselves in readiness, and particularly as much earlier, than former years, as may be, to march to such Place, or Places, in North America as His Majesty's Commander in Chief there, or the Officer who shall be appointed to command the King's Forces in those Parts, shall appoint, in order to be employed there, under the supreme Command of His Majesty's said Commander in Chief, or of the Officer to be appointed as above, in such manner as from the Circumstances and Situation of the Enemy's Posts

Posts, and the State and Disposition of the Indian Nations on that Side, he may judge most conducive to the King's Service; and the better to facilitate this important Service, the King is pleased to leave it to you to issue Commissions to such Gentlemen in your Province, as you shall judge from their weight and credit with the People, and their zeal for the Publick Service, may be best disposed and enabled to quicken and effectuate the speedy Levying of the greatest Number of Men; In the Disposition of which Commissions, I am perswaded, you will have nothing in View, but the good of the King's Service, and a due Subordination of the whole to His Majesty's Commander, and all Officers of the Provincial Forces, as high as Colonels, inclusive, are to have Rank according to their several respective Commissions, agreable to the Regulations contained in His late Majesty's Warrant of the 30th of December 1757 which has been renewed by her present Majesty

The King is further pleased to furnish all the Men, so raised as above, with Arms, Ammunition and Tents, as well as to order Provisions

To

to be issued to the same, by His Majesty's Commissaries, in the same Proportion and Manner, as is done to the rest of the King's Forces, The whole therefore that the King expects and requires from the several Provinces is, the Levying, Cloathing, and Pay of the Men; And on these Heads also, that no Encouragement may be wanting to the fullest Exertion of your Force, His Majesty is farther most graciously pleased to permit me to ~~appoint~~ acquaint you, that strong recommendations will be made to Parliament, in their Session next year, to grant a proper compensation for such Expences as above, according as the active Vigour, and strenuous Efforts of the respective Provinces shall justly appear to merit.

It is His Majesty's Pleasure, that you do, with particular Diligence, immediately collect, and put into the best condition, all the Arms issued last Campaign, which can be any ways rendered serviceable, or that can be found within your Government, in order that the same may be again employed for His Majesty's Service. I am further to inform you, that similar

similar Orders are sent by this Conveyance, to Maryland, Virginia, North Carolina and South Carolina. The Northern Governments are also directed to raise Men in the same Manner, to be employed as His Majesty's Commander in Chief shall judge most conducive for the Kings Service in North America.

It is unnecessary to add anything to animate your Zeal in the Execution of His Majesty's Orders in this important Conjuncture, which is finally to fix the future Safety and Welfare of America, and of your own Province in particular; And the King doubts not, from your known Fidelity, and Attachment, that you will employ yourself, with the utmost Application and Dispatch in this pressing and decisive Crisis.

I am &c.

Egremont.

B.P.R.O. America & W. Indies. Vol 77

Circular Letter

Separate.

Whitehall

Dec.r 12.th 1761.

Sir,

The King having taken into his most serious consideration, how highly essential it is to the interests and security of His Subjects in North America, that the Regular Regiments, serving in that Country, be recruited, with all convenient Expedition, to their full Complement of Effectives, and at the same time, seeing the impracticability of compleating them from Great Britain, considering how this Country is drained, by the great number of Men furnished for the various services in all parts of the World, I am therefore to signify to you the King's pleasure, that you do, immediately on the receipt of this Letter, exert your utmost Influence to induce your Province to carry into the most speedy and effectual Execution this very important Object, by immediate Compliance with any Requisition, which Sir Jeffery Amherst shall, in consequence of His Majesty's Orders

Orders, make for furnishing on certain conditions which he will explain to you, such a number of Recruits, from your Province, as he shall demand, as their Quota, towards compleating the Regular Regiments which have been sent to America, for the Defence and Protection of the Possessions of His Majesty's Subjects there, and the King cannot doubt, but that the Provinces will chearfully and readily comply with this reasonable Demand, so obviously calculated for their own security and Advantage, at the same time that your zeal for His Majesty's service will naturally excite you to use all your Influence and Power in bringing effectually to bear a Measure, which His Majesty has so much at heart, and with regard to which, any Failure or disappointment would be extremely disagreable.

I am &c.

Egremont.

B.P.R.O. So. Carolina. B.T. Vol 20. No. 38.

Charles Town So Carolina
Decr 24th 1761

My Lords,

I have the Honour to acquaint you of my arrival in this Province, and of my having taken upon me the administration: The Commands which your Lordships may please to Honour me with shall be punctually and diligently obeyed by

My Lords
Your Lordships
Most obedient and
most humble servant
Thos: Boone

To
The Right Honble
The Lords Commissioners
for Trade & Plantations

No. 38.
Received
Read Feby 18 } 1762

B.P.R.O. B.T. Journals Vol 70.

Wednesday 20 Jan.y 1762

At a Meeting of His Majestys Commissioners for Trade & Plantations

Present

Lord Sandys — Mr. Jenyns
Mr. Bacon — Sr. Edw.d Thomas

. . . . . .

South Carolina — Read a letter from Wm. Bull Esq. Lieut.t Governor of South Carolina dated 5 December 1761 acquainting the Board that he had disbanded the Regement of Foot raised there for the Cherokee War retaining only four Troops of Rangers amounting to 300 Effectives and that he had received an Account that the Little Carpenter in having on the 11th of November arrived at Fort Prince George with several Headmen in their way to Charles Town a quarrel had arisen between him and the Headmen, and that they had separated from him and returned back

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Thursday 18th Febr.y 1762

South Carolina — Read a Letter from Thomas Boone Esq. Governor of Sr. Carolina dated 24 December 1761 notifying his arrival in that Province and having taken upon him the Administration of the Government.

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(Wednesday)

Wednesday 28th April 1762

South Carolina Read a letter from Thos Boone Esq Governor of South Carolina dated Charles Town Feb.y 28th 1762 acquainting the Board with the good Effects of the peace made with the Cherokees. and with the measures he is taking to establish a Trade with them. also transmitting Minutes of Council from 1st July 1760 to the 18th Dec. 1761 Journals of the General Assembly from the 6th October 1760 to the 18th December 1761 Two Ordinances and Eigh Acts passed in January June and July 1761. Ordered that the Acts be sent to Sr Matthew Lamb for his Opinion thereupon in point of Law

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Friday 21st May 1762

So Carolina Read a Letter from Mr West Secretary to the Lords Commissioners of the Treasury dated the 3rd of March 1762. inclosing a Memorial of James Glen Esq. heretofore Governor of the Province of South Carolina. praying for a reimbursement of some expences he was at for the Public Service during his Administration of that Government upon which Memorial the Lords of the Treasury desire the Opinion of this Board. The said Memorial having been read and considered. as also Mr Glen's letter to this Board dated the 14th day of April 1756 with the papers which accompanied it. Mr Glen attending without was called in and their Lordship's having heard what he had to offer upon the subject matter of his Petition and having

(also)

also read and considered several papers produced by him in support of the allegations of it it was agreed to take this matter into further consideration on Monday next

. . . . . .

Monday 24th May 1756

South Carolina Their Lordships took into further consideration the memorial of James Glen Esq. late Governor of South Carolina mentioned in the Minutes of Friday last and after some time spent thereupon, it was ordered that the Draft of a Report to the Lords Commissioners of His Majesty's Treasury upon the Subject matter of the said Memorial should be prepared and that Mr Glen should be desired to attend the Board again on Wednesday next

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Wednesday 26th May 1756

So. Carolina Mr. Glen attending as desired their Lordship's had some further conversation with him upon the subject of his Memorial more particularly with respect to the money received by him of Mr Dinwiddie and subscribed by the Inhabitants of Charles Town for building a Fort in the Cherokee Country, after which the Draft of a Report to the Lords Commissioners of His Majty's Treasy upon Mr Glen's Memorial prepared pursuant to Order was agreed to and ordered to be transcribed

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(Thursday)

Thursday 27th May 1762

South Carolina — The Draft of a Report to the Lords Commissioners of the Treasury upon Mr. Glen's Memr having been transcribed as pursuant to Order was signed

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Thursday 3rd June 1762

South Carolina } The Drafts of Letters to the Governors of South
fo 1o 1o } Carolina. Jamaica. Leeward Islands & Georgia in answer to several received from them having been prepared were agreed to. transcribed and signed

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Wednesday 24th Novr 1762

South Carolina — Read two Memorials of the Agent for the Province of South Carolina the one praying the Boards favorable Representation upon an Act lately passed there for regulating the Indian Trade the other concerning the Boundary Line between that Province and North Carolina. Copy of An Act to regulate the Trade with the Cherokee Indians by taking the same into the Hands of the Public of this Province assented to 29th May 1762. Copy of a Report of the Assembly of South Carolina upon the Boundary Line between that province and North Carolina. Ordered that the said Memorial and papers referred to do lye by for further consideration at another opportunity. Read a Letter from Thomas Boone Esq Governor of So Carolina dated 14th September 1762. acquainting the Board with

(his)

his having dissolved the Assembly of that Province, enclosing his Speech to them upon the said dissolution Ordered that the draft of a Letter in answer to his be prepared

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Wednesday 1st Dec. 1762

S.o Carolina The draft of a Letter to the Governor of S.o Carolina in answer to one from him having been prepared pursuant to order was agreed to and ordered to be transcribed

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S.o Carolina } Read a Memorial of the Agents of S.o Carolina and
Georgia } Georgia, setting forth the Advantages which have arisen from the Bounty on plantation Indigo, that the said Bounty will expire on March next, and praying the Boards Recommendation to Parliament of a continuance of it. Ordered that the Secretary do write to the Commissioners of the Customs for the following Accounts Viz.t An Account of the quantity of Indigo imported into Great Britain from the 24.th March 1749 to the 24.th March 1762 distinguishing each year and what has been imported from the British plantations and what from Foreign Parts. An Account of the quantity of Indigo exported from Great Britain for the same time distinguishing what part thereof was of the growth of the British plantations and what of the Growth of Foreign Colonies. An Account of the Amount of the Bounty paid on each year on the Importation of Indigo of the

(growth)

growth of the British plantations and what part thereof was repaid upon Re-exportation

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Friday 3rd Decr 1762

So Carolina The draft of a Letter to Thomas Boone Esq. Govern.r of South Carolina. having been transcribed pursuant to the Minutes of Wednesday last was signed

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Tuesday 14th Decr 1762

South Carolina Read the following letters and papers received from the Governor of South Carolina Viz.t Letter from Thomas Boone Esq Governor of South Carolina to the Board dated 20th Oct 1762 relative to the dispute between that Province and No Carolina concerning the Boundary Line. Letter from Governor Boone dated 15th Oct. 1762 transmitting a Copy of his Letter to Arthur Dobbs Esq Governor of No Carolina respecting the Boundary Line Ordered that the said Letters be taken into further consideration on Thursday next. and that the secretary do give notice to the agents for South Carolina and No Carolina to attend

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Thursday 16th Dec 1762

South Carolina Their Lordships took into consideration the Letters & papers received from the Governor of South Carolina. and had some conversation thereon with Mr Abercrombie. who had been a Commiss.r on the part of South Carolina for running the Boundary Line between

(the)

the Provinces in 1734. Mr Abercrombie being withdrawn their Lordps were of opinion. that it would be necessary for the sake of the peace and quiet of bothe Provinces. that there should be a temporary line of Jurisdiction established until the propositions of both Provinces in respect to a final line of division can be fully considered and determined and that the line agreed upon and in part marked out between the the said Provinces in 1735. should be the said temporary line of Jurisdiction whereupon the agents of the said Provinces who attended pursuant to order were called in and acquainted with their Lordships Resolution and then they withdrew and it was Ordered that the draft of a Representation to His Majesty upon this Subject should be prepared

. . . . . .

Monday 20th Dec 1736.

S. Carolina } The draft of a Representation to His Majesty containing
N. Carolina } proposals for establishing a temporary Line of Jurisdiction between the provinces of North and South Carolina having been prepared pursuant to Order was agreed to and Ordered to be transcribed

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Wednesday 22nd Dec 1736

N. Carolina } The draft of a Representation to His Majesty contai
S. Carolina } ning proposals for establishing a temporary Line of Jurisdiction between the Provinces of N. and South Carolina having been transcribed pursuant to Order was signed.

. . . . . .

B. T. P. O. South Carolina B. T. Vol 20 N. 39.

Charles Town, So Carolina
Feb 28 1762.

My Lords,

Since my last of the 31st of Dec. every thing has been perfectly quiet, though the Cherokee Headmen met with some provocation on their return, some vagabonds in the back parts of the Province having robbed them of a number of their horses, I am in great hopes from their earnest desire to be supplied with goods, that the remaining prisoners in their hands may be delivered up, as they have engaged they shall, for till this condition of the Treaty is complied with, trade with them will be restrained, as well from this quarter, as I have some reason to expect it may upon my application by the two Provinces of Virginia & Georgia, our Act of Assembly for Regulating the Indian Trade is expired, and I have recommended to the Assembly that has been sitting, but now adjourned for a short time, the utmost impartiality in framing of a new Law, in hopes of involving other Colonies having intercourse with the same Indians to a concurrence that would be of great

consequence

consequence to all; but I am much afraid that an agreement so necessary to give us consideration with the Indians, will never be accomplished by ourselves, but if your Lordships should think proper to require a plan for this Trade, from each respective Province, it would be easy from a view of all, to form one beneficial and equitable, which if it received the weight of his majesty's recommendation by an Instruction to the Governor, would in all likelihood be confirmed by acts of the several Provinces, as we are more given to obedience to the Crown, than harmony with one another.

Your Lordships will receive by this man of war the Dolphin, the last Acts of Assembly. Journals of the Council and assembly, and in the Journals of the Council, a copy of the Treaty as ratified, in which if your Lordships should observe some inaccuracies, I am desired by the Lt. Govr to acquaint you, that at the time of the Ratification he was confined to his room by a severe illness, or those inconsistencies would not have remained unamended, but was it ever so correct, their wants are the best pledges for

the

the faithfull performance of the Articles. I have taken the liberty to inform the Lords of the Admiralty that we have no station ship. nor any other man of war. between Georgia & Virginia.

I have the honour to be.
My Lords.
With the greatest respect.
Your Lordships most obed.t & most humble Servant.
Tho: Boone.

The Rt. Hon.ble
The Lords of Trade.

Recd ——
Read april 28 } 1762.

B. P. R. O. South Carolina. B. T. Vol. 20 M. 110.

Treasury Chambers. 3d March, 1762

My Lords,

By order of the Lords Comm.rs of his Majesty's Treasury I transmit to your Lordships the enclosed Memorial of James Glen Esq.r late Governor of South Carolina which my Lords desire you will be pleased to take into your consideration and state to them such facts relative to the matter therein setforth as are come to your knowledge, and favour them with your opinion, what will be proper to be done therein.

I am,

My Lords,

Your Lordships most

faithfull humble Servant.

J. West

Board of Trade

Recd ——
Read May 21 } 1762.

(Inclosure)

(Inclosure)

To the Right Honourable the Lords Commrs for executing the Office of Lord High Treasurer of Great Britain.

The Memorial of James Glen Esqr

Humbly Sheweth,

That your memorialist had the honour to be His Majesty's Governor of his Province of South Carolina for the space of eighteen years, during all which time there not only never was the least complaint of his administration, but on the contrary the people, even at the last, with one voice, in an unsolicited Address to the King testifyed their humble thanks to His Majesty, for the happiness they enjoyed while the Government was administred by your Memorialist. This Address under the Seal of the Province, he has in his hands ready to be produced.

That in particular your memorialist during the whole course of his management, made the affairs of the Indians one great object of his attention, and was carefull to cultivate and establish a good correspondence and firm friendship with their several Nations surrounding his Government.

Government, well knowing that both the Trade and safety of the Province depended in a great measure upon the skilfull treatment of these people and was so happy as to have his conduct approved of by the King. A Secretary of State having by His Majesty's Orders, thanked him for his good management in that particular.

That your memorialist after he knew he had a successor appointed, and that of consequence he was no longer entitled to his salary, did nevertheless, upon receiving an unexpected message from the Cherokee Nation to give their Kings and Head men a meeting in the woods two hundred and fifty miles back from Charles Town, agree to meet them there. This he did during the recess of the General Assembly, at the earnest and pressing request of the Council and Committee of Assembly for Indian Affairs. And as the Indian called the Little Carpenter, who was their Messenger, alledged matters of the utmost importance, and assured that either declining or deferring to go, might be attended with disagreeable consequences, as the French were then urging the Cherokees to join them,

he

he without hesitation, tho' just recovering from a fever, set out on that dangerous journey, in the hottest and most unwholesome season of the year, and after he had proceeded a hundred miles of the way, being informed that the Indians were coming down to the number of seven hundred warriours, he to support the honour and secure the safety of the Colony, endeavoured to assemble nearly an equal number of Inhabitants, and maintained this great multitude of Indians and Inhabitants at his own expence during the whole time of the Conference. He also made the Indians considerable Presents, and at this Conference, concluded a Treaty with them, extremely advantageous to Great Britain and her Colonies.

That upon stating his claims to the General Assembly, after he was out of his Government, for the sums expended by him in the Public Service, amounting by the account given in to upwards of five thousand pounds sterling, he, in consideration of the calamitous condition of the Province, voluntarily restricted them to the sum of one thousand and eighty four pounds, which sum the Council and Assembly acknowledged

ledged to be justly owing but from their distressed circumstances voted him five hundred only, referring him for his farther claim to the Justice of his Majesty, in consideration of the many great advantages procured by his pains, and at his expence, to the Crown, the Mother Country and the Colonies.

The premises considered, as to which he is able to produce the most authentick proofs, your Memorialist humbly prays, that the monies which he so disbursed for the service of the Crown, and the benefit of the British Nation and her Colonies, may be repaid, at least, the remaining sum of five hundred and eighty four pound, and your Memorialist shall ever pray.

Read May 21. 1762.

B. P. R. O. South Carolina B. T. Vol. 20. M. 112.

(Indorsed)

Papers produced by Mr Glen
in support of the allegations
of his Memorial

Recd
Read May 21. } 1762. (90 Pages)

B. T. R. O. B. South Carolina. Entry Book Vol. 29 p 163

(27th may. 1762)

Rt. Honble Commissioners of his majesty's Treasury.

my Lords.

Pursuant to a letter from your Lordships Secretary dated the 3d of march last we have taken into Our Consideration the Memorial of James Glen Esq. late Gov. of South Carolina, humbly praying to be repaid the sum of £581 being the remainder of monies by him disburs'd in travelling 250 miles into the Cherokee Country, and holding Conferences and concluding a Treaty with the Chiefs of that Nation of Indians at Saluda in June 1755. and having caused the Books of our office to be carefully examined with respect to the Facts stated in the said Memorial, we beg leave to acquaint your Lordships

That the only Account which we find of Mr. Glen's Conferences and Negociations with the Cherokee Indians in June 1755. is contained in a letter from him to this Board dated the 11th of April 1756. in which he states so fully the whole of that transaction, that we think it necessary to lay before your Lordships the

annexed

annexed Extract of that letter, with copies of the several Papers therein referred to. And having nothing to add to the information therein contain'd with respect to the services alleged to be perform'd by the Memorialist We beg leave in the next place to state to your Lordships the Proceedings of the Assembly of South Carolina, as they stand upon the Journals of that House, with respect to Mr. Glen's Account of disbursements in the performance of them.

And first it appears, that on the 20th. of March 1756, Mr. Glen sent a message to the Assembly of which we annex a copy N° 2. desiring the House to order the payment of £355 sterling due to Mr. Mc. Queen for goods bought of him, & distributed in Presents to the Cherokees in the preceding June, and acquainting them in general, that many other things were given to the Indians besides the goods in Mr. Mc. Queen's account, he having spared neither pains nor expence that might contribute to the desired end; for the payment of which he relied on His Majesty's goodness.

This message and account were the same day referr'd to the consideration of the Committee

for

for Indian affairs who. on the 22d of march 1737 made report thereupon to the House a copy whereof is annexed (No: 3) in which they agree

"That the surrender made by the Cherokees "of all their lands and possessions to the King "is and will prove of great service to his Majesty's "Interest. And that mr mc Queen's account be "paid in the manner specified in the said "Report," to which on the 31st of the said month the House agreed.

On the 6th of July 1736 the Assembly resolved to provide a sum equal to £300 sterling to be paid to James Glen Esq: late Governor of this Province, for paying his passage to Great Britain, and for his services and all claims which he may have upon the Publick, except an Account of mr mc Queen's for goods which mr Glen gave in Presents to the Indians.

On the 19th of may 1737. the Speaker having presented to the House a letter which he had received from mr Glen. inclosing a paper concerning certain claims which mr Glen hath upon this Government. for divers sums of money expended & for business formerly done by him

for

for the service of the Publick; and the Question being put, that the said letter and paper be referred to the consideration of a Committee it passed in the negative

From this time no further Proceeding appears to have been had, with respect to Mr Glen's demands till the 27th of april 1761. when Mr Glen having in a memorial to the Speaker and House of Assembly inclosed an Account of his Disbursements, amounting to a very large sum, but restricted to the sum of £10814. it was referrid to a Committee, who reported in the following words. "That they had con-
"sidered the several Articles in the said Accounts,
"and the Facts set forth in support of each of
"them, and were of opinion, that the sums therein
"charged have been expended by the said James
"Glen Esqr during his administration as Governor,
"and necessarily incurrid for the service of this
"Province. That altho' some of the Articles would
"admit of a deduction, being higher than what has
"usually been allowed for like services, yet, as it
"appears to your Committee that Mr Glen has re-
"stricted himself to a sum considerably short of
"what he actually paid, as has thereby reduced
"his Demands to a less amount than the De-

ductions,

'-ductions, if made would have done, they recommend
'that the sum of £1084 sterling, being the sum
'charged by him, be provided for, and be inserted
'in the next Estimate, in full for all Claims and
'Demands whatsoever, which he may have on the
'Publick of this Province. And your Committee are
'further induced to recommend the payment of
'the said Account, from a consideration, that at
'the time the said services were performed and expence
'incurr'd, Mr. Glen was deprived of the sterling Salary
'annexed to the Government by the appointment
'of another Governor, and therefore with additional
'labour and trouble which attended the latter part
'of his administration, he was reduced to one half
'of his former income.'

On the 8th of may following this Report was considered & the Question being put whether the House do agree with the said Committee, it passed in the negative, and it was resolved upon the Question
'that as the House had disagreed to the Report of
'the Committee for allowing Mr. Glen £1084 sterling
'because it appeared that he refer'd himself by
'his message of the 20th of March 1756, to His majesty's
'goodness for payment thereof, yet, to shew their

readiness

'readiness to contribute (as much as they are able) to
'ease their Mother Country, it is agreed to make a pro-
'vision of £500 sterling to be inserted in the next Jaa
'act, which is declared to be in full for any Claims
'or Demands of his upon the Publick of this Provinc'

Mr Glen, by whom We have been attended upon this occasion, informs Us, that he has never receivd the £500. voted for him on the 6th of June 1756, but that he has reason to believe that this last mentioned sum of £500. has, since his departure from the Province, been paid for his use and account, so that upon the whole, My Lords, it does appear to us that of the sum of £1081 to which Mr Glen was content voluntarily to restrict his claim of Disbursements, there does still remain unpaid and due the sum of £581 expended in service which We do agree with the Assembly of South Carolina in the opinion expressed by them in their Resolution of the 31st of March 1757, was of great advantage to His Majesty's Interest.

We are, My Lords,
Your Lordships most obed.t
& most humble servts
Sandys. Ed. Bacon
John Yorke Edmond Thomas
Geo. Rice

Whitehall
May 27th 1762.

B.P.R.O. South Carolina. B.T. Vol. 29. p. 171.
(3rd June 1762.)

Letter to Thomas Boone Esq.r Governor of South Carolina

Sir,

We have receivd your letters to us of the 21st of December and 28th of February last, and beg you will accept our congratulations upon your safe arrival in your Government.

We hope that the Treaty made with the Cherokee Indians will be found in the experience and execution of it to be beneficial to His Majestys subjects, and that nothing will occur to disturb the peace and tranquility which has been so happily restored by it.

The recommending to the Assembly to consider of a new Law for regulating the Indian Trade, was certainly a proper measure, and we earnestly wish that the application you have made to the Governments of North Carolina, Virginia & Georgia to concur in some general plan, may prove successful, since it might, in some degree at least, put a stop to those mischiefs and inconveniencies which have followed from different Provinces, connected with the same Indians passing

passing partial Acts, for regulating the Trade, not only differing from, but frequently obstructing and counteracting each other.

This has undoubtedly been one principal source of that jealousy and discontent amongst the Indians, which has of late years been attended with such terrible consequences, and we are inclined to think, that our Interest with respect to the Indians never can be settled with stability, but by the interposition of the Parliament of Great Britain, in making some general Regulations for the management of Indian Affairs, upon some general plan under the sole direction of the Crown & its Officers.

We are, Sir &c.

Sandys.
Ed. Bacon
John Yorke
Ed. Eliot

Whitehall
June 3d 1762.

B. P. R. O. a. & W. I. Vol. 77.

Whitehall 7th August, 1762.

Sir,

This letter will be delivered to you by Captain Blake Commander of one of His Majesty's ships of war, appointed to carry back three Cherokee Chiefs, who came here from Virginia, where Lieut. Gov.r Fauquier, having been obliged to comply with their pressing instances to repair to London, procured them a passage on board Captain Blake's ship, & directed M.r Timberlake, an Officer in the Virginia Forces, with an Interpreter to attend them; but the Interpreter unfortunately died in the voyage, & we have not been able to find any person here, who understands their language, which has put us under very great difficulties to know their wants; however every possible attention has been paid to them, & I have the pleasure to inform you, that they seem to leave this country in perfect good temper, & greatly satisfied with the Presents that have been made them. The Services on which Captain Blake's ship is to proceed, make it necessary for him to land these Cherokees in your Province, & I am to signify

to

to you the King's Pleasure, that you do accordingly receive them, & cause them to be conducted in the usual manner, into their own country, & as you doubtless have Persons in South Carolina, who understand their language, you will direct proper compliments to be made to them, in the King's name, & express to them his Majesty's concern at the loss of their Interpreter, which must have subjected them to many inconveniences, during their stay in England, & you will assure them, that it was the King's particular Order, that the utmost attention should be paid to them and in case you shall perceive that they have been offended or disgusted with any thing that may have happened, you will endeavour to remove any ill impressions they may have conceived by availing yourself of the circumstance of the death of their Interpreter, & your not being able to understand what they might wish to have, which, you will assure them, would have been, in every Respect complied with as far as possible. You will, by the first opportunity, transmit to me, for his Majesty's Information, an account of what shall pass, in consequence of this Letter. I am &c.

Egremont.

B. P. R. O. South Carolina B. T. Vol. 20. N. 117.

Charles Town. So. Carolina
Sept. 11th 1762.

My Lords,

Having had a private intimation that your Lordships had done me the honour to signify some commands by letter, I was under a necessity of desiring Mr Pownall to assure you that no such letter had ever reached me, though I had made the most diligent enquiries, both of the Capt. of the Success man of war, and the Commanders of the merchant ships which came under his convoy; at length however, your Lordships letter of the 3d of June, and an order of the King in Council of the 11th of may, relating to a proper arsenal (which I had before applied to the Assembly for) and a salary for the Ordnance Storekeeper, is come to my hands by way of Georgia, having by some mistake been sent under Gov. Wright's cover; and your Lordships may depend on my paying the most punctual obedience to his Majesty's Commands, when the new Assembly meets, I say the new one, for I was under a necessity yesterday of dissolving the former, for reasons,

which

which not only appear'd to me sufficient, but such as I flatter myself will entitle me to your Lordships avowal & approbation as I take the liberty to enclose to your Lordships the short speech I made to the Assembly on the dissolution, which I hope discovers more reason than warmth, I shall make no other observation, but that the Commons House of Assembly not only seemed desirous of determining themselves the sole Judges of an Act of Assembly, under which they must be elected, but that they never could in a more glaring instance assume to themselves privileges no ways belonging to them, which His Majesty's 13th Instruction expressly enjoins me not to admit of. Your Lordships well know that Governors may often find their account in yielding points to an Assembly, but never, in strenuously exerting the prerogatives of the Crown; but this step which never could be more pointed or more seasonable, having been dictated by a consideration of my duty only, will be attended I dare promise myself with the very best effects to his Majesty's authority.

I

I have the honour to be with the greatest respect
My Lords.
Your Lordships most obedt
& most humble Servant.

The Rt. Honble — Tho: Boone

The Lords of Trade

P. S. The Election Act alluded to, is the only one in force, & was passed Sept. 21st 1721. No 1663.

Sept. 16th There are no more than eight Gentlemen in Council, Mr Austin having asked my leave to resign. I am extreamly at a loss to find proper persons to recommend to your Lordships for all the vacancies, but Mr Peter Taylor, & Mr Henry Hyrne, are men of credit, of sense, & may be usefull, & will not I have some reason to imagine be averse from accepting

The names of the Council

Wm Bull, Lt. Govr Othniel Beale, Henry Middleton, Egerton Leigh, John Guerard, Charles Skinner, Ch. Justice, John Drayton, Daniel Blake

Recd
Read Novr 24 } 1762. (Inclosure)

(Inclosure.)

The South Carolina Gazette.

Governor's Speech to

the Assembly upon

their being dissolved.

M. 48.

B. P. R. O. South Carolina. B. T. Vol. 20. M. 52.

Charles Town. Oct. 5th 1762.

Sir.

I was extreamly surprized to day with an application from two men, who have held lands for several years by virtue of Grants from this Government, to know how they should conduct themselves with regard to ejectments, that have been served upon them from No. Carolina and to which you yourself are a party; a step of this sort which can tend to nothing but to throw both Provinces into confusion, taken precipitately and unseasonably by you Sir, to whom the tranquillity of one is entrusted both afflicts and astonishes me, but you have indeed relieved me from the pain of doubting or even deliberating, one resolution only was left me to take, one general order to issue, and that is already done; a principle of candour and a sincere desire to prevent the mischiefs that may ensue induces me to communicate to you by express, that I have strictly enjoined a Magistrate to employ every lawfull means to protect & secure the persons and properties of all those that are settled under the sanction of this Government, I have order'd the people concerned to treat

the

the Encelments with the contempt they deserve, and in no respect to acknowledge the Jurisdiction of No. Carolina. I was in great hopes that you would have been contented to have waited the decision of our superiors upon a subject which you and I, are neither competent or impartial Judges of, but if you have too much impetuousity to wait this determination, I have too little tameness to submit implicitly to yours, and I really flatter myself that when I communicate this transaction to the Lords of Trade, which I shall do immediately, that my proposals and requests which so plainly bespoke an inclination to preserve a harmony between the Colonies, will be full acceptable to their Lordships, as your manifest indifference to a matter of so much moment, because a few paultry acres of your own are in question.

I have the pleasure to act on this occasion with the concurrence and advice of His majesty's Council, and have the honour to be with great respect.

Your Excellency's &c. &c.

Tho: Corne

Gov.r Dobbs.

Read ——
Read 11th Dec.r } 1762.

B. P. R. O. South Carolina B. T. Vol. 22. N. 50.

Charles Town Oct. 9th 1762

My Lords.

I am under a necessity of applying to your Lordships upon a subject of some consequence to both Colonies of So. & No. Carolina, having used fruitless endeavours with Govr Dobbs to keep every thing quiet till His Majesty's determination upon our Boundary was signified. The Catawba Indians a brave and faithfull people, that have constantly hitherto, and are always ready to deserve well of the English, have made frequent complaints of the encroachments of No. Carolinians upon those lands which the Catawbas call theirs, & which either by the justice or indulgence of this Colony have been set apart for their hunting, these lands if the Indian claim is not allowed, are by no means acknowledged by us to be in the No. Government, but as I am no stranger to a late Instruction of His Majesty to the Governor of New York upon a similar complaint from the five Nations, I am in no doubt neither, but it will be equally the King's pleasure, that these Catawbas should be

quieted

quieted either by purchase or possession. let the Lands in question fall within the boundary of either Government. Till June or July last they had contented themselves with complaining only. but an attempt of the No Carolina Surveyors to run out even their burial places so exasperated them, that they pursued with an intention to murder them.

But these Indians my Lords are not the only persons both alarmed and aggrieved by Mr Dobbs own private unreasonable surveys. several who years ago have taken out Grants from this Province, have paid their Taxes served in the Militia, and therefore thought themselves entitled to protection, have been served with Ejectments from the No Carolina Courts, upon a pretence that Mr Dobbs himself has a prior right to these Lands by virtue of a Grant from the No Government. this short state of the case, shows at least that Mr Dobbs his claim is disputable, but by now urging and precipitating it, he will infallibly occasion a great deal of mischief, for till the Boundary is settled his property cannot be ascertained, no more than his right can be affected

by

by laying some time longer dormant, but to be plain My Lords, he seems to forget his publick character, whilst he is asserting his private pretensions. nothing that he or Jean do will be final, & therefore can only increase the confusion, & interrupt the tranquillity of both Provinces: The gentlemen of the Council in this Government understood that there was a general agreement (and it is really necessary) that all matters of dispute as well of property as Jurisdiction should remain on the former footing, but this Mr Dobbs does not acknowledge and these Ejectments which are very lately served, have left me nothing to do but with the advice of the Council to enjoin a Magistrate to use every lawfull means to protect the properties and persons of Colonists settled under the sanction of this Government, with which my orders I have acquainted Mr Dobbs. This is a short account of the matter & whatever commands your Lordships may think proper to signify, shall be faithfully & punctually obeyed by

My Lords.

Your Lordships most obed!

The Lords of Trade. & most humble servt

Tho. Boone

Recd —
Read 11th Decr 1762.

B.T. P.C. South Carolina B.T. Vol 20. M. 31.

Charles Town. So. Carolina
Oct. 15th 1762.

My Lords.

Since I had the honour of writing to your Lordships on the 9th Inst I have considered that my letter to Govr Dobbs may possibly reach you by his means. I beg leave therefore to be beforehand in sending your Lordships a copy, and submit with the utmost deference to your Lordships censure, or approbation, if in my letter to him, I make no mention of the Catawbas it is because Mr Dobbs was to consult his Council upon what I last urged on that subject. I have the honour to be,

My Lords.

Your Lordships most obedient
& most humble Servant.
Tho: Boone

The Rt. Honble
The Lords of Trade

Recd —
Read 14 Dec. } 1762.

B. P. R. O. A & W. I. Vol. 223.

Charles Town, S.t Carolina.
Nov. 11th 1762

My Lord,

I have the honour to acquaint you that your Lordship's letter and the three Cherokees arrived safe in the Epreuve, and that your Lordship's commands have been punctually obeyed; the Cherokees have been well received well treated, and dispatched with Mr Sumter whose attention to them, they publickly declared was kind and friendly, and I really believe strictly conformable to your Lordships intentions: I paid him therefore one hundred pounds agreable to your Lordship's order communicated to me by Mr Wood, and have drawn on Mr Richardson for the amount.

The Headman apparently aims at influence with his nation, this seems his chief, and almost only concern, for this reason therefore, he was extreamly urgent that his English companion should attend him to his own country, as it was a signal mark of the King's immediate notice. Mr Sumter consented with readiness

and

and Otassite was gratified.

I enclose a copy of the Conference in case your Lordship should chuse to cast your eyes over it, but more briefly I beg leave to observe, that I would not entertain the least doubt that they could be dissatisfied. their usage was I believe as much beyond their expectation as it exceeded any thing they ever before experienced, and they declared they had all the reason in the world to be pleased with the kindness showed them, but the Headman whether from policy or constitution appeard to me astonishingly reserved and silent upon every thing he had seen, though I took some pains to lead him to description.

I have the honour to be with the utmost respect,

My Lord

Your Lordship's most obedient

& most humble Servant,

The Rt Honble — Tho: Boone.

The Earl of Egremont

Ft. March 4th 1763.

(Inclosure)

(Inclosure.)

A Talk between His Excellency Thomas Boone Esqure Captain General Governor & Commander in Chief &c of His Majesty's Province of South Carolina

and

Judds Friend the Headman of the Cherokee Nation, delivered in the Council Chamber at Charles Town Wednesday the 3rd day of November 1762.

Governor. I am extremely glad to see you Judds Friend, and your two Warriors who accompanied you to London, safely arrived here. I have been made acquainted with all the notice that has been taken of you in England, and am perswaded you are well satisfied, as indeed you ought to be, with the attention that has been paid to you.

I am ordered to mention to you, that the King was sorry that your Interpreter died on the Passage to England, whereby your wants, and your intention in going thither, could not be so well understood, as if the Interpreter had lived, tho' you have not suffered materially on that account,

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My Lord

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& most humble Servant,

The Rt Honble — Tho: Boone.

The Earl of Egremont.

R. March 4th 1763.

(Inclosure.)

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account; for upon a supposition that your going to England was in person to confirm the declarations, and promises, which the Nation had made of living hereafter in peace and friendship with the King and his Subjects, it was his Majesty's pleasure, that you should be so universally well received, and kindly treated; and upon this supposition also, he ordered you the valuable and distinguished Presents, which I am informed you had given you: But if, however, you had any thing more particular to say, I am commanded by His Majesty to hear, and faithfully to report it: Speak out therefore freely, open your mind, that it may be known, what, by the death of your Interpreter you was not enabled to communicate.

Indds Friend. This day your Excellency and I are met in the Council Chamber, and the Great Being above will hear, and be witness to what I shall say.

I went from my own Nation to Virginia, but it was not my intention to stay there; I was desirous of going over the wide water to see the Great King George, and if I was refused a Passage

from

from thence, I was resolved to go to New York and get a Passeage from thence to England in one of the Great Kings Canoes.

The Governor of Virginia told me there were many French on the sea, therefore it was dangerous, least I should be taken, but I told him I was not afraid of the French, and I was determined to go, because I had a strong desire to see the Great King, that I might talk with him upon what was good for his people and mine, and to prevent any harm happening to either of them for the future. Althó' I met with a good deal of trouble, in going over the wide water, yet, that is more than recompensed, by the satisfaction I have had in seeing the King, and the kind reception I met with from him, being treated as one of his own children, and finding the treatment of every one there good towards me.

And now I am arrived in Charles Town, your Excellency might take it amiss, if I did not make a Talk to you on my return from England, before I leave this place, especially as you desire to hear from my own mouth how I liked England, and what I intended to have said to the Great

King

King, had the Interpreter lived.

The Governor of Virginia procured a Passage for me in one of the Great King's canoes, in which I sailed over the wide water to the Country where my Father lives: when I was admitted into his presence he was glad to see me, and he would not see what had been amiss, as peace was now restored between his people and mine: As the Interpreter who went with me died on the Passage, and the person who attended me understood very little of my language, I could not say what I intended, but I had a paper from the Governor of Virginia, which I showed to the Great King, and told him, that I was desireous there should be a firm peace & quietness, between his people and mine for the future. But there being no Interpreter, he heard, or could understand but a few words of what I said, or had to say: I therefore desire your Excellency will write to the Great King and tell him this, and when he hears what I intended to have said to him, I hope he will write an answer, and that your Excellency will send it to me.

Some time ago, my Nation was in darkness,

but

but that darkness is now cleared up and my people were in great distress, but that is now at an end; and I desire your Excellency will acquaint the Great King that there will be no more bad Talks in my Nation, but all will be good. And that there will be no more war between the England and my people, and that if any Cherokee shall kill an Englishman, the Cherokee shall be immediately put to Death. Our women are breeding Children night and day to increase our people, and I will order those who are growing up to avoid making war with the English. When I return unto my Nation I will inquire of any of the Headmen retain resentment against the English on account of their Relations which have been killed, and if any of them are found to speak a bad word concerning it I will deal with them as I shall see cause.

I speak not with two Tongues & am ashamed of those who do.

My heart is not set upon going home and no more disturbances will be heard of in my Nation: This is what I intended to have declared to the Great King.

The

The Head Warrior of the canoe who brought us over used us exceeding well, he desired us not to be affraid of the French, for he and his Warriors would fight like men and die rather than be taken.

The number of Warriors and people being all of one Colour which we saw in England, far exceeded what we thought possible could be, and that we might see every thing that was strange to us or what we desired to see, the Great King was pleased to order a coach to carry us, and a Gentleman to attend us all day, and at night till bed time, and I shall relate to my People all that I have seen in England.

When I went away from my Nation in order to go to England, I told my People that they should remain in peace, and if any of them have done mischief, I will call them to account. I have now finished what I had to say to your Excellency.

Governor. There has been no disturbance in your Nation since you left it, except in this instance (viz.t) When the persons employed to collect the white prisoners in may last, came to Old Highwassee Town, Kinnetets of Old Tellicoe took

took a man and a woman who were prisoners to him, aside, and shot them both dead: I now mentioned this circumstance to you that you may upon your return to your Nation make a proper inquiry into this matter.

Judds Friend. On my way home I will make a full Inquiry into that matter, and if Kennetete is guilty, I shall give orders for his being put to death.

Gov.r Your so doing will prove as you have declared, that you have only one tongue.

I am now to acquaint you that I have received the Kings Orders for furnishing you with the proper means for conveying yourselves and the presents you have received into your Nation. and you shall likewise have an Order from me for your being supplied with plenty of Provisions and necessaries upon your journey.

Judds Friend. I beg your Excellency will write a letter to the Headmen of the Nation, and acquaint them that I am safely arrived here, and that you will also be pleased to deliver me a copy of the Talk that has now passed, that I may carry it with me into the Nation

Governor

Governor. I will send a letter by a white man tomorrow, to the Head men of your Nation, acquainting them of your safe arrival here and shall likewise order a copy of the Talk that has now passed to be delivered to you: And I am to acquaint you, that I am ordered by the King to ask you, whether the Gentleman, who was employed to attend you from England hither has taken proper care of you & behaved well toward you, for he will be taken notice of & rewarded accordingly. And at the same time I must observe to you that by this you perceive, that His Majesty's care and concern for you, was not confined to your stay in England only; but that his goodness and friendship is apparent also, by his ordering, that you should be agreably and safely conducted back again.

Judds Friend. That Gentleman has treated us exceeding well, and has been very good to us, and I desire the King may be likewise acquainted that we have been well received & kindly treated by everybody here. The Indians thereupon shook hands & withdrew

B.T.P.O. South Carolina B.T. Vol. 20. M. 123.

To the Right Honorable the Lords Commissioners
for Trade and Plantations

The Memorial of Chas Garth Agent for
the Province of South Carolina

Humbly Sheweth

That your Memorialist has the honour to present to your Lordships an Act, which has lately passed in the General Assembly of South Carolina, to regulate the Trade with the Cherokee Indians by taking the same into the hands of the Province: The Preamble fully sets forth the necessity as well as utility of a measure of this kind, such and so great have been the abuses of private Traders from the Southern Provinces, that the Indians have been exasperated to a degree that has inclin'd them more easily to listen to French suggestions, and fall in with the secret machinations of the common enemy: Upon the soundest political principles therefore the Province has framid an Act calculated equally to secure the affections of the Indians to the British Interest, by preventing any impositions

hereafter

hereafter from their own people, as well as to defeat the designs of France solicitous to establish a Trade with them, as the surest means of conciliating their friendship. That it is a matter of the greatest importance to our Colonies to preserve the friendship of the Indians, whose Trade and commerce is also so highly beneficial to Great Britain, that it cannot be too much encouraged, and eas'd of all possible clogs; but in order that it may thrive effectually, it is absolutely necessary to restrain the frauds and licentious dealings of private Traders; all causes of disgust will then only be remov'd, when they see people they trade with, deal honestly by them in their traffick: With this view and to secure them against any future ill usage, the legislature of South Carolina has pass'd a Law whereby the utmost care is taken, as far as in the Province lies to prevent any kind of intercourse with them by private persons under the Government of this Colony, at least such as are within the reach of its Jurisdiction: The Assembly have been confin'd to appoint Fort Prince George at Keowee in the Lower Cherokee Country to be the place from whence to carry

on

on this Indian Trade, whereas Fort London at Tannisee or any other place in the upper Cherokee Country would have better and more effectually answer'd the intent and design of this Act, but that it would have been in vain to enact a Law which could not be carried into execution from a defect of Jurisdiction, owing to the uncertainty of the Boundary. The Province hopes this instance of their attention to the Publick Welfare and concerns, will meet His Majesty's Royal approbation, tho' at the same time they cannot but express their fears and apprehensions that the wisest Regulations made by their Assembly will never be accomplish'd without His Majesty's most gracious assistance.

The Provinces are unhappily jealous of each other, and ever ready to take advantage of the distresses of any; The calamities hence arising were but too sensibly felt by this Colony during the late rupture with the Cherokees, which could not have continued that length of time, had they not been supply'd and amply provided with all necessaries, and even with ammunition, from Virginia and Georgia.

That

That this want of union must not only disconcert the best measures that can be taken by any individual Province for the Public Benefit, but may, as it has been attended with fatal consequences, by furnishing the French with a handle to practise but with too much success upon the several Indian Tribes to their general prejudice.

To prevent these evils for the future, to secure the friendship of the Indians to the British Colonies, and to win them effectually from a correspondence with the Agents of France, to promote and encourage the Trade with these people to the utmost, and to put a stop to all fraudalent dealings and impositions of private Traders, is the scope and design of this Act, humbly offer'd to your Lordships to shew your Lordships in what manner the Province has exerted itself, hoping for your Lordships assistance and intercession with His Majesty to accomplish ends so advantageous to Great Britain and the several Settlements under his Dominion.

That His majesty may be graciously pleas'd to send his express directions to his Governors of

the

the neighbouring Provinces, that they prevent as much as possible any illicit Trade by the People within their several Jurisdictions, or that if the method of trading with the Cherokees estab-lish'd by the Legislature of South Carolina be approved, it or something similar may go recommended from your Lordships to the several Southern Provinces; or that some such union for the purpose of regulating the Indian Trade may be establish'd among them, as shall be thought most conducive to the welfare of the Colonies, and for the advantage of Great Britain. South Carolina is solicitous and desirous only of being put on a footing of equality with their neighbours, that the Trade may be open and free for all on a proper Estab-lishment as it must obviously produce greater security and equal profit to all his Majesty's Subjects that have a connexion with these and the other Southern Tribes of Indians.

Your Memorialist humbly hopes your Lord-ships will take the premises into your consider-ation that such order be taken thereon as to your Lordships shall seem meet for the Public

Benefit

Benefit and the future welfare and security of his constituents in particular, and your Memorialist will ever pray.

Charles Garth

Inner Temple
Nov.r — 1762.

Read Nov.r 24. 1762.

B. P. R. O. South Carolina B. T. Vol. 20. M. 114.

To the Right Honourable the Lords Commissioners of Trade and Plantations.

The humble Memorial of Cs Garth Agent to the Province of South Carolina.

Sheweth,

That by Instructions transmitted to your Memorialist from the General Assembly of South Carolina, he is ordered to represent to your Lordships the necessity the Province finds itself under of applying for your Lordships assistance to procure His Majesty's Royal Injunctions for settling and establishing the Boundary Line between North and South Carolina. The manifold inconveniences that attend the uncertainty of Jurisdiction, or rather the acknowledgment of no Jurisdiction at all, are too numerous, & must present themselves too readily to your Lordships reflections to need any suggestions upon: Where there is no Jurisdiction, there can be no Law, where there is no Law, differences, disputes, injuries, and violences of all kinds must ever subsist, not only among the Inhabitants of such particular parts, but

between

between those Inhabitants and the Indian neighbouring Nations in their traffick with each other, which may be of dangerous and fatal consequence to both Colonies, as under such circumstances there is no possibility to prevent Frauds and abuses in Trade, tending so highly to estrange the inclinations of the several Tribes from the British Interest, and to alienate their affections from His Majesty's American Subjects. That these remote and lawless Inhabitants contribute little or nothing to the support of Government, under pretence of uncertainty to which Province they belong and are the Subjects of, while the expences of Government and the weight of annual Taxes are continually encreasing, which their Brethren alone feel the additional burthens of, yet they alike enjoy the protection of Government, and will, till the Boundary is absolutely ascertained, without paying the least quota towards the expence of it. These evils and inconveniencies become at this Juncture especially necessary to have some check, and a stop put to, as well for the effectual regulation of their Police, as to secure the friendship of the Indians, and prevent

their

their being seduced by the artful insinuations of the French Agents and Emissaries.

That some years since His late Majesty was graciously pleas'd to take into his Royal Consideration the propriety of a Boundary line between the two Provinces, and issued his Royal Mandate accordingly, what was or has been done in consequence thereof will appear to your Lordships by a Report in relation to the Boundary line lately transmitted from the Committee of the General Assembly; to which are annex'd such reasons and considerations as the Assembly hope may tend to procure such an allotment of Territory to this Colony, as may be most conducive to His Majesty's Interest in those parts, and to the welfare of His Majesty's Subjects of both Provinces: That the Report humbly presented to your Lordships was agreed to in the General Assembly in the year 1758, and was then intended to have been transmitted for His Majesty's and your Lordships Consideration, but the Invasion made by the Cherokee Indians at that time put a stop to an application of this nature, as no Resolution form'd thereon could

could be put in execution till the former Peace and pristine quiet was again restor'd within the Province. It is humbly hoped the vigorous measures made use of in granting the large ⅔ necessary supplies, amounting in two years to £108,000 sterling, to put one effectual and speedy end to these hostilities of the Indians, and that the steps since taken to conciliate their friendship, and to settle their Trade and Correspondence on the best footing to be devis'd, will have its due weight upon the present application.

That it is further your Memorialist's duty to observe to your Lordships that it was in y^e^ year 1730, when the Royal Instructions were issued to ascertain and settle the Boundary Line, that afterwards in the year 1732 the Charter from the Crown for granting the establishment of a regular Colony in Georgia was obtain'd, which has retrench'd greatly the Southern part of South Carolina, that should the Boundary Line then resolv'd on, be now adher'd to, this Province must be doubly prejudic'd in its true and antient limits, for Cape Fear River was its antient North Boundary, but by the Order then issued in 1730,

it

it appears that So Carolina was limited & confined in its natural Boundary to 30 miles Southerly distance from the whole course of Cape Fear River from the sea upwards to its main source or head, which wd be a very considerable retrenchment of Territory on the North part of the Province: But shd it be His Majesty's Pleasure that the former Instruction shd still be kept in view, and now to be regarded as a direction in ascertaining a dividing line between the two Provinces: The Province humbly hopes directions may be given to have an actual Survey taken of the real course of Cape Fear River, and the exact parallel of latitude taken in exact conformity to the said Instruction, viz. of its fountain head and its entrance into the sea.

Your Memorialist most humbly hopes for your Lordships countenance and favour, and your Memorialist will ever pray.

Charles Garth

Inner Temple

Recd ——
Read Nov. 24 } 1762.

B. T. R. O. South Carolina B. T. Vol. 20. N 43

(Indorsed)

Copy of An Act to regulate the
Trade with the Cherokee Indeans
by taking the same into the hands
of the Public of this Province
Assented to 29th May 1762.

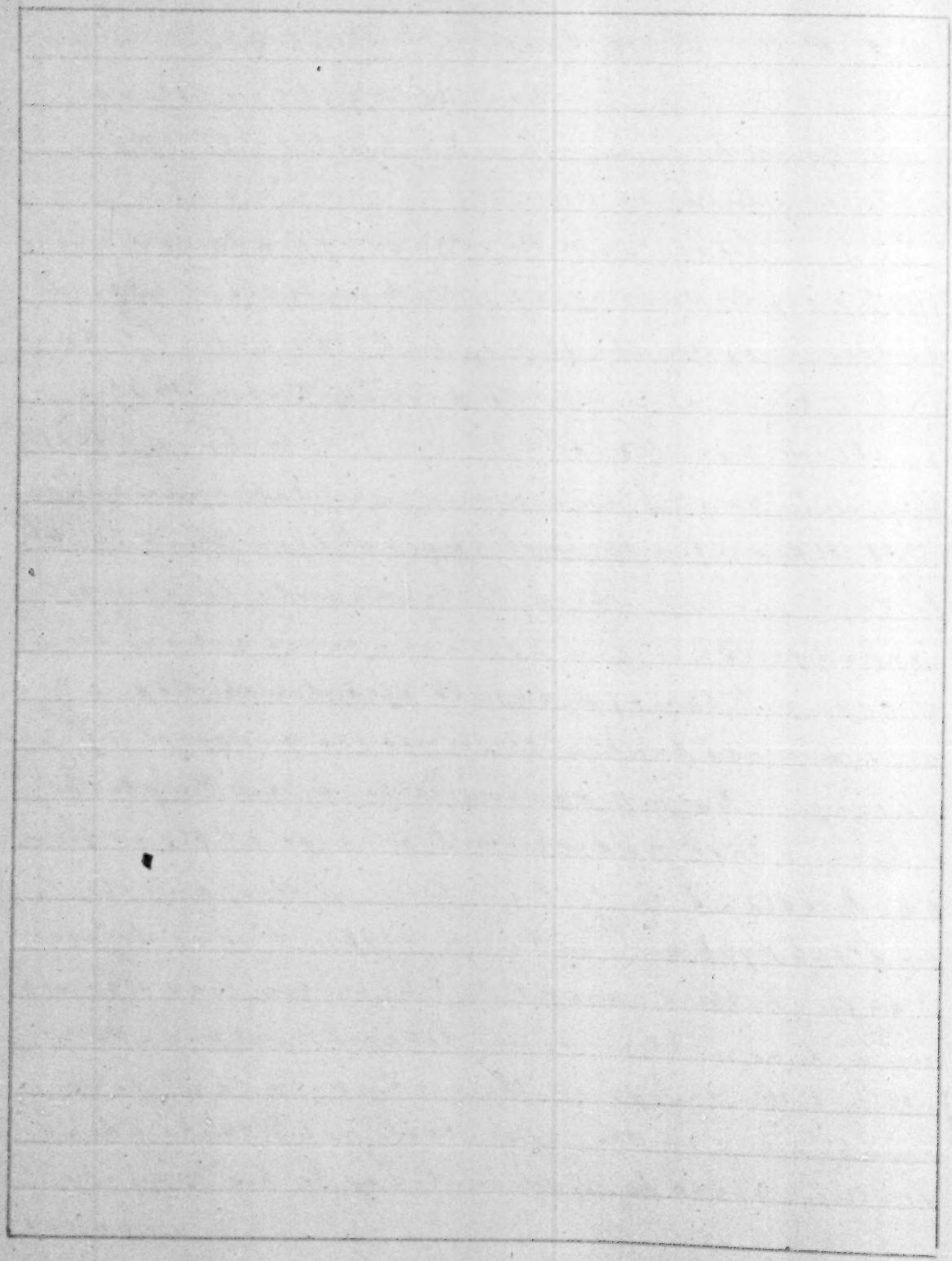
Read Nov. 24. 1762.

B. T. R. O. South Carolina. B. T. Vol. 20. N. 46

(Indorsed)

Copy of a Report of the Assembly
of South Carolina upon the
Boundary Line between this Province
& N. Carolina

Recd
Read Nov. 24th } 1762.



B. P. R. O. A. & W. I. Vol. 223.

Charles Town So Carolina
November 27th 1762.

My Lord,

As your Lordship appeard so desirous that proper care & due attention might be paid to the Cherokee Chiefs whom I was ordered to bring over, I think it proper to acquaint you, that I punctually complyd with your intentions, & that they were treated in a proper & suitable manner will appear from what they said in their Talk to the Governor, which he transmits to your Lordship; on every appearance of action they always got their musquets & cartouch boxes & seem'd pleas'd when there was a prospect of engaging: In my passage I took an English Schooner that had carried a cargo of flour from Rhode Island to Port au Paix in Hispaniola, & had brought in exchange coffee & some tobacco. I suffer'd the Indians to believe she was a Frenchman, & gave them some tobacco, cocoa nutts & other little things as their share. (I can't help mentioning in this case that notwithstanding so illicit a Trade & so contrary to his Majesty's

express

expres declaration of war, the Lawyers all say the Judge of the Admiralty will not condemn her, tho' the papers prove it clearly & the Master of the vessell has sworn that he carried nothing but Flour to Port au Paix, & was returning with Coffee in exchange) on my arrival here I sent the Indians with their baggage to the Governor, and as they had no Gunpowder given them in England, I thought it expedient to give them a barrell, I likewise on their desire gave them an English Flagg & a Pendant, with some flints & other trifling things.

I have the honour to be with all respect.

my Lord,

Your Lordships most obedient

& most humble Servant.

Peter Blake.

Lord Egremont.

B. P. R. O. South Carolina B. T. Vol. 20. M. 49.

To the Right Honourable the Lords Commissioners for Trade & Plantations.

The memorial of Cs Garth the Agent for the Province of South Carolina and Willm Knox Provincial Agent for Georgia

Humbly Sheweth

That the Act of Parliament passed in the year 1748. the 21st of his late Majesty, entitled an act for encouraging the making of Indico in the British Plantations in America, and which was to continue in force to the 25th of March 1755. being then found to be very useful and beneficial to the Publick, was thought fit to be continued by an act passed in the said year and to be in force, until the 25th of march 1763. That a Law of so much utility to His Majesty's American Plantations in general, and to your Memorialists Constituents in particular, and so highly advantageous to the manufactures of Great Britain may not be suffered to expire.

Your Memorialists think it their duty to represent

to

to your Lordships the short time this Statute has now to continue in force, and humbly to request your Lordships to take the said Act under your Lordships Consideration, and that your Lordships will be pleased this Session to recommend the further continuance thereof to Parliament. And y^r Memorialists will ever pray.

Charles Garth
Will: Knox

Nov^r 29^th 1762.

Recd ____
Read Decem^r 1. } 1762.

B.P.R.O. South Carolina B.J. Vol. 29. p. 173.

(3rd December, 1762)

Thomas Boone Esqr Governor of South Carolina

Sir,

We have received your letter to us of the 11th of Septr last, and are concerned to find that you thought the proceedings of the Lower House of Assembly, in the case of the Election Act, to which you refer, were so irregular & improper, as to require an immediate dissolution.

We have the greatest reason to hope from your prudent conduct in the administration of your former Government, that when all the circumstances of this affair shall have been communicated to Us, we shall be enabled to approve what you have done.

It would have been a great satisfaction to Us to have expressed that approbation by this opportunity, but your letter to Us upon this occasion, is so short and inexplicit, as to the particular points in which you think the Assembly acted improperly, that we are under a necessity to suspend our judgment upon the matter until you shall have

have transmitted to us a more exact and precise account of it, which it is our duty to desire you will not fail to do by the first opportunity.

We are, Sir,

Your most obed.t humble Servants,

Sandys
Soame Jenyns
Ed. Bacon
John Yorke
Geo. Rice
John Roberts

Whitehall
Dec.r 3.d 1762

B. T. R. O. South Carolina. B. T. Vol. 20. N. 34.

Charles Town, So. Carolina
Dec. 17th. 1762.

My Lords,

I had the honour to acquaint you with my having dissolved the last Assembly on the 13th. of Sept last, but thought I sent duplicates of my letter, as they may possibly have miscarried I enclose a copy of that part which regards the subject of my present letter. The new assembly were chose agreable to the Writs and Election Act, and met to do business on the 22d ult. my speech and the addresses I take the liberty to enclose your Lordships, for as I am to receive your approbation or reproof nothing must be suppressed by me, your Lordships will give them what attention you please. The Commons House of assembly instead of considering the King's Order of Council of the 11th. of May and the providing for 300 Spaniards that put in here in distress before they went on any other business, took my speech at the last dissolution into consideration and the enclosed papers from No. 1 to No. 10 are the result, I am really ashamed to send so bulky

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a Packet, but their own performances will give your Lordships the best idea of the spirit which prevails in our Assembly, and my answers will at once show the conduct I have pursued and the opinion which still governs me, both which are submitted with the utmost deference, to your Lordships better judgement; N° 9 my verbal answer occasioned the two resolutions in N° 10. I really think it scarce necessary to make any remark, but your Lordships will perceive that before I gave them an answer to their remonstrance, which I knew would displease them, I procured the Kings commands to be obeyed. the salary indeed to the Ordnance Store Keeper is paultry, but more I believe than it would have been, but, for this difference with me: On subject a subject, and so treated, it was with the greatest difficulty I gave them so little provocation to reply, your Lordships will observe their injustice in demanding concessions from me though I am far from convinced, their want of confidence in their cause, in their declining the only proper reference, and their absurdity in imagining, if I was as irresolute

as

as I am otherwise, that any acknowledgement from me of their claims would be at all conclusive. I flatter myself your Lordships will approve of my having given a short verbal answer only to their reply, especially as I had referd the matter in dispute to the proper tribunal; nothing could have been more easily confuted than their reply, their reasonings are fallacious, the Election & the Oath previous which is a sine qua non, are continually confounded, their insinuating with regard to my dissolving the last Assembly are artfull & unandid, the right to, mistaken for the representation itself, & their extracts from their Charter, either designedly or ignorantly erroneous, for no rights or privileges are <u>confirmed</u> to them, but all are <u>granted & given</u>.

Their resolution not to do any more business might be immediately detrimental, but, for the looseness of a former resolution, which enables me at any time before the first of next month to draw on the Treasurer for any sum to pay for the transportation of Provisions to the out Posts, otherwise, I should be obliged to draw off

off the Garrison from Fort Prince George which is the only security to our Indian Trade factory; but if the means I have to prevent this inconvenience they are not aware, I propose suffering them to adjourn from day to day till their Constituents are apprized of the mischiefs that may happen from their obstinacy, I shall then as the season advances, and the publick creditors become clamorous, give them by a prorogation an opportunity of receding, and if they should continue obstinate I may be addressed to dissolve them, or in all events, shall be under a necessity of doing it. Thus my Lords I have related matters as they really are, I have been actuated only by what appeared to me right, and angry as they are your Lordships will see they do me justice as to my general intentions; I hope your Lordships will forgive my presumption in suggesting the necessity there is that notice should be taken by higher authority than mine of their unwarrantable claims, should they appear such to your Lordships. I have nothing further to add, but that whatever commands you think

proper

proper to honour me with shall be punctually obeyed by My Lords,

Your Lordships most obed^{t}
& most humb^{le} Servant.
Tho: Boone

The Lords Comm^{rs}
for Trade & Plantations.

Recd ——
Read March 9 } 1763.

(The following thirteen Inclosures were enclosed in Governor Boone's Letter of the 17th December. 1762.)

m. 55. Governor Boone's Speech to the Commons House of Assembly 22nd Nov^{r} 1762.

m. 56. Address of the Commons House of Assembly to Governor Boone's Speech delivered at the opening of the General Assembly. 23rd November. 1762.

m. 57. Address of the Council to Governor Boone's

speech

speech of 22ᵈ November 1762.
23ᵈ November, 1762.

M. 58. Nº 1. The Commons House of Assembly's Remonstrance 11ᵗʰ December, 1762.

M. 59. Nº 2. Report of the Committee upon Privileges and Elections.

M. 60. Nº 3. Governor Boone's answer upon the Report and Remonstrance of the Commons House of Assembly. 6ᵗʰ December, 1762.

M. 61. Nº 4. The Commons House of Assembly's message concerning the King's Requisition. 6ᵗʰ December, 1762.

M. 62. Nº 5. Report of Committee concerning arsenal, and salary for Ordnance Storekeeper

M. 63. Nº 6. Governor Boone's answer to the message and Report relating to the

the Arsenal, 7th December 1762

M. 64. No 7. Governor Boone's answer to the Report and Remonstrance 7th December, 1762.

M. 65. No 8. The Commons House of assembly's reply to Governor Boone's answer to the Report and Remonstrance 11th December, 1762.

M. 66. No 9. Governor Boone's verbal answer to the Commons House of Assembly's message by way of reply, to the Governor's answer to the Report and Remonstrance 11th December, 1762.

M. 67. No 10. Resolution of the Commons House of assembly relating to the violation of their privileges 16th December, 1762.

B. P. R. O. South Carolina B. T. Vol. 20. N. 53.

To the Right Honourable the Lords Commissioners for Trade & Plantations

The Memorial of Chas Garth Agent for the Province of South Carolina

Humbly sheweth.

That His Majesty's Province of South Carolina has by experience been found to be a proper soil for producing Rice to very great perfection.

That not only the produce thereof in those parts, but its exportation would be greatly encreas'd, to the mutual benefit of this Kingdom and of the said Colony, if greater encouragement was given to promote the consumption of Rice of the growth of His Majesty's Colonies.

That before the 3d and 4th of Queen Anne, Rice not being an enumerated commodity, the markets of all parts of America, as well also the Madera and other Isles of Africa, might be supply'd therewith, from which Islands the American Colonies are now by Law supply'd with Salt and Madera Wines; but the circumstances under which

thes

this commodity labours since its enumeration by reason of the tenderness and bulkiness of this grain, render it impossible to supply either of the aforesaid markets, to the great advantage of foreigners, who now carry Rice to those parts from the Levant Sea, and to the manifest loss of His Majesty's subjects, as it is well known that Rice of the growth of So. Carolina has the preference for goodness in every market it can be sold at.

That a Permission to transport it to any part of America will be highly beneficial to the merchant and the Planter, as it will also enable them to dispose of great quantities of Rice which being broke too small, they cannot send to a European market.

That the Licence will necessarily tend to promote a greater culture of this staple commodity, will occasion a larger demand for the shipping of Great Britain and furnish employment for more Seamen and Mariners.

And that this encouragement to the extension of the staple Trade of this Province may be the means of an encrease of population at all times of

of

of the first impression to the Mother Country by a necessarily greater demand for its manufactures, but especially of importance at this Juncture, as it will strengthen the Province (at present in a manner his Majesty's Southern Frontier) and enable this Colony, as was often exerted in the infant state of Georgia, the better to assist and protect at any time his Majesty's new acquired Territories from any insults of ill affected or ill disposed Indians.

Your Lordship's Memorialist having Instructions from his constituents to prefer an application to Parliament to obtain the liberty of carrying Rice to the Madera and the other Isles of Africa or to any parts of America, as it will be attended with many advantages to this Kingdom and its Province of So Carolina mutually, humbly hopes to have y^r Lordships countenance approbation and support. And your Memorialist will ever pray &c.

Charles Garth.

Recd ——
Read 25 Janry } 1763.

B. P. R. O. South Carolina B. J. Vol 29. p. 175.

(22nd December 1762)

To the King's most Excellt Majesty.

May it please your Majesty,

The tranquillity of your Majestys Provinces of North and South Carolina hath, for many years past been frequently interrupted by disputes which have arisen as well in matters of property as Jurisdiction, from the want of a certain and equitable Line of Division between them, the necessity of establishing such a Boundary by your Majesty's authority, hath long been so evident to this Board, that in the year 1753, they did call for, and receive the sentiments of the Governor and Council of each Province upon that subject, and it is only on account of the state of war, (a season in many respects improper for the determination of an affair of that sort) that We have forborn humbly to recommend the final settlement of this matter to the Royal Consideration, hoping however in the mean time that the Governors of the two Provinces, would, in compliance with the directions of this Board, concurr in every means of preserving

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the publick peace, until your Majesty, by the happy conclusion of the war, should have the proper opportunity of fully considering the matter, and determining it with certainty and precision. But having lately received a letter from Thomas Boone Esq.r your Majesty's Governor of South Carolina, setting forth the great mischiefs and confusion which are likely to arise from some late proceedings of the Governor and Courts of Justice of North Carolina, who have served writs of Ejectment on persons long deemed to be Inhabitants of the Southern Province, and caused Surveys to be made and Lines to be run over the hunting grounds and even burial places of the Catawbas, to the great alarm and disquiet of that friendly Nation of Indians, We think it our duty immediately to lay before your Majesty the annexed copy of M.r Boone's said letter, & humbly to represent to your Majesty thereupon.

That it appears to us to be of the greatest importance to the Security & Welfare of both the said Provinces, that the most speedy end be put to the bad consequences of the transactions set forth by Gov.r Boone, and that all further

disputes

disputes of the like nature be prevented. It now to be wished that those objects cou'd at once be attain'd by the immediate Establishment of a certain Line of Partition, as well as to property as Jurisdiction. But necessary and desirable as that remedy is, it cannot, we conceive, be applied with that degree of dispatch which the present case appears to require. The Propositions concerning such a final Boundary, transmitted by the Governor & Council of each Province contain matter of great difficulty and much deliberation, and from the great acquisition of Territory in the Southern parts of the American Continent, new objects of consideration arise with respect to the consequential arrangement or division which your Majesty shall think proper to make of your Southern Colonies. For these Reasons and as the present case appears to us to admit of no delay, We are humbly of opinion that your Majesty should be graciously pleased to declare and establish a temporary Line of Jurisdiction between the two Provinces of North and South Carolina, in order to preserve the peace and

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tranquillity of both until the perpetual Line of Partition shall be finally determined by your Majesty.

But in order to mark out to your Majesty what We conceive such temporary Line should be, and the grounds of such our opinion, it is necessary to state the Proceedings which appear by the Books of our Office to have been formerly had towards the settlement of a Boundary Line between the said two Provinces.

In the year 1734 His late Majesty, by Instruction to Gabriel Johnston Esqr then Governor of North Carolina was pleased to direct that a Line should be run (by the Commissioners appointed by each Province) beginning at the sea, 30 miles distant from the mouth of Cape Fear River on the South West thereof, keeping the same distance from the said River, as the course thereof runs, to the main source or head thereof, and that from thence the said Boundary should be continued due West as far as the South Seas. But if Waggamaw River should be within 30 miles of Cape Fear River then that River to be the Boundary from the

sea

sea to the head thereof, and from thence to keep the distance of 30 miles parallel from Cape Fear River to the head thereof, & from thence a due West course to the South Seas.

In consequence of this Instruction, Commissioners were appointed by each Province, who met and began to run the line on the 1st of May 1735. setting off at 30 miles West from Cape Fear, & proceeding North West to the place where Little River crossed the Country Road. there they erected poles and then separated. agreeing to meet again on the 18th of September following and that if either party failed to come, the other should continue the Line, which should be binding upon both. The Northern Commissioners attended accordingly and (those of the Southern Government not being arrived) proceeded North West about 70 miles. The Southern Commissioners arrived in October, and follow'd upon the Line forty miles, and finding the work right so far, they sent a Draught of what they had done to this Board. And nothing has since been done towards the completion of this work, except that a Deputy

Surveyor

Surveyor took the Lot of Sedee at 35 degrees and set up a mark, which has ever since been deemed the limit at that place.

To this Boundary each Province has since urged many objections: But altho' upon consideration of them, it should appear improper to remain as a perpetual Line of Division, We do not see any impropriety in making use of it as a temporary Line of Jurisdiction, until a more equitable Boundary can be established, on the contrary, in the present case, in which the principal object is to prevent all further disputes and quarrel by the speediest means possible, We cannot but consider it as a circumstance of great advantage that there is a Line already marked out in part which may serve for that purpose. We therefore beg leave humbly to propose to your Majesty that you would be graciously pleased to declare your pleasure that until the Propositions offered by the two Provinces of North and South Carolina, with respect to their Boundary, can be fully considerd and determined upon by your Majesty, the Line agreed

upon

upon begun and in part set out by the Commissioners of both Provinces in 1735 shall be the temporary Line of Jurisdiction That, in case it shall appear that the said Line has not been marked out so far North as the 35th degree of North Latitude, Commissioners shall then be appointed by both Provinces to continue it, in the same direction in which it has hitherto proceeded, to the said 35th degree of Latitude, and from thence due West until it meets the Eastern limit of the Lands claimed by the Catawbas And that no Settlement whatever shall be made or Jurisdiction of either Province exercised upon the Lands claimed by the said Indians until the said Claims shall be finally adjusted.

And further that the Forts which have been erected in either Province to the Westward of the said Lands so claimed by the Catawbas shall be deemed to belong to and continue to be maintain'd by that Province at the expence of which they were erected and have hitherto been supported

supported.

all which is most humbly submitted.

Sandys

Soame Jenyns

Ed. Bacon

Whitehall
Decem.r 22d. 1762.

John York

Edmond Thomas.

1763

B P R O B T Journals Vol 71

Tuesday 25th January 1763

At a Meeting of His Majestys Comm.rs for Trade and Plantations

Present

Lord Sandys — Mr Jenyns
Mr Bacon — Sr Edw.d Thomas
Mr Rice — Lord Orwell

. . . . . .

South Carolina Read a Memorial of the Agent of South Carolina stating that he had received directions from his constituents to Apply to Parliament, for Liberty to carry Rice directly from Carolina to any Foreign port or place in Europe or America and praying their Lordships concurrence and Assistance in promoting such application

Ordered that the said Memor.l do lye by for further consideration

. . . . . .

Wednesday 9th March 1763

South Carolina Read a Letter from Thos Boone Esq Gov.r of So Carolina dated the 17th of December 1762 giving an account of the behaviour of the Assembly and transmitting Governor Boones speech to the Gen.l Assembly recommending the revisal of several Laws 1o Address of the Commons House of Assembly to the Governors speech Address of the Council in Answer to Governor Boones Speech. The Assemblys remonstrance against their late dissolution. The Committee of privileges Report mentioned in the remonstrance Govern.r Boones

(answer)

Answer to the Remonstrance and Report of the Commons House of Assembly. The Assemblys Message concerning their being required to provide a proper Arsenal & sufficient Salary for the Ordnance Store keeper. The Report referred to in the Assembly Message concerning the Arsenal &c Governor Boone's Answer to the Assembly's Message and report relating to the Arsenal. Governor Boone's answer to the Report and Remonstrance. The Assemblys reply to the Governors answer to their Report and Remonstrance. Governor Boones Verbal Answer to the Assembly message by way of reply, to the Govrs answer to the Report and Remonstrance Resolution of the Commons House of Assembly 16 Dec. 1762 relative to the Governor's violation of their privileges. The Secretary acquainted the Board that he had received notice from the Earl of Egremonts Office. that Governor Boone had obtained His Majesty's Leave, dated the 23rd ult. to return to this Kingdom, and be absent for 12 months from the day of his arrival. Their Lordships upon consideration of the abovementioned Letter and papers and those of the 11th of September last from Governor Boone were of opinion that he had dissolved the Assembly without sufficient reason.

. . . . . .

Wednesday 23rd Mar. 1763

S. Carolina } Read an Order of the Lords of the Committee of Coun-
N. Carolina } cil dated the 12th of March 1763 approving a Repre-
sentation of this Board which recommends that a temporary line of Jurisdiction should be established between the Provinces of N.

(and)

and S.o Carolina and directing the draft of an additional Instruction to be prepared requiring the Governors of both provinces to carry the s.d project into execution. Ordered that the draft of an Instruction be accordingly prepared and also the draft of a Report to the Lords of the Committee thereupon

. . . . . .

Tuesday 29 March 1763

N.o 1 S.o Carolina The draft of an Instruction to the Governors of North and South Carolina respecting the establishment of the Temporary Line of Jurisdiction between the said Colonies having been prepared pursuant to order was approved and ordered to be transcribed and a Report to the Lords of the Committee of Council thereupon was also signed

. . . . . .

Wednesday 18.th May 1763

S.o Carolina Read a Letter from Tho.s Boone Esq.r Gov.r of S.o Carolina dated the 13.th of March 1763 acquainting their Lordships with some difficulties which have occurred from the want of a clear understanding of the Instruction which regulates the mode of appeals in Civil Cases. Ordered that the Secretary do signify to the Agent for South Carolina, that their Lordships think it adviseable that he should take out of the Council Books a copy of the Proceedings in case of appeal, which has come before His Majty in Council from any other Colony and transmit the same to the Governor for his guidance and direction . . . . . (Monday)

Monday 30th May 1763

S° Carolina A letter to the Governor of South Carolina respecting the measures said to be taken in that Province for granting large Tracts of land to the South of the River Alatamaha. was agreed to and signed

. . . . . .

Wednesday 22nd June 1763

S° Carolina The Secretary at the request of the Agent for South Carolina moved their Lordships for an Extract of the Minutes of Council of South Carolina in 1762 which was granted and the Extract ordered to be made and delivered to the Agent.

. . . . . .

Thursday 4th August 1763

South Carolina A Representation to His Majesty proposing that John Burne Esq may be appointed of the Council in S° Carolina in the Room of John Rattray Esq was signed

. . . . . .

Thursday 4th Aug[t] 1763

S° Carolina Read the following Letters and papers received from the Province of South Carolina Viz[t] Letter from Thomas Boone Esq. Gov[r] of South Carolina dated the 29th March 1763 informing the Board of the Resolution of the Assembly to do no further business and inclosing a printed Gazette containing a Letter from a Private Member to his parish also transmitting Journal of the Council from the 22nd of December 1761 to the 28th of December 1762. Journal of the

(General)

General Assembly from the 6th of February to the 28th of December 1762 Seventeen Acts passed in May and September 1762. Letter from Govern.r Boone dated the 31st May 1763 acknowledging the Receipt of the Boards Letter of the 3rd of December last respecting the Elective Act with his Observations and inclosing Extract from the Journal of Assembly Letter from Governor Boone dated the 31st May 1763 acknowledging the receipt of the Boards letter of the 9th of March and the papers inclosed Letter from Governor Boone to the Board dated 17th June 1763 acknowledging the Receipt of two additional Instructions of the 9th of December 1761 to which he will pay due obedience Ordered that the Acts be sent to Sir Matthew Lamb for his opinion thereupon in point of Law

. . . . . .

Thursday 4th August 1763

So Carolina Read a Letter from Mr Jenkinson Secretary to the Lords of the Treasury to Mr Pownall dated the 3rd of August 1763 respecting Mr Mc Mutts proposal for sending French protestants to So Carolina signifying that the Lords of the Treasury had agreed to his proposal in the manner recommended by this Board

. . . . . .

Tuesday 11th October 1763

So Carolina Ordered that the draft of a Representation be prepared proposing to His Majesty that Thomas Skottowe Esq may be appointed of the Council of So Carolina there being but ten persons appointed by His Majesty to be of the said Council. Read a Letter from Thos

(Boone)

Boone Esq. Governor of S.o Carolina dated 17.th august 1763 containing an apology for his Conduct in respect to the Grants of Land made to the South of the River Alatamaha

. . . . . .

Thursday 13.th October 1763

S.o Carolina Representation to His Majesty proposing that Thomas Shottowe Esq may be appointed of the Council of South Carolina

. . . . . .

Monday 24.th october 1763

S.o Carolina } Read a Memorial of the Agents for South Carolina &
Virginia } Virginia signifying their intention of applying to Parliament for leave to import Salt from Foreign Ports into those Provinces

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Tuesday 8.th Nov.r 1763

S.o Carolina Mess.rs Mayendie and Boutton not attending as desired the consideration of the Order in Council referring Mons.r Gilberts petition for an Establishment in South Carolina was postponed

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Thursday 17.th nov.r 1763

S.o Carolina Their Lordships took into further consideration the order of His Majesty in Council referring the petition of Mons.r Gibert relative to a Settlement in South Carolina for some French Protestants lately retired there on account of their Religion. and Mess.rs Mayendie and Boutton attending. their Lordships had some

(conversation)

conversation with them on the subject matter of Monsieur Siberts petition. Mr. McNutt also attending their Lordships also had some conversation with him on the subject matter of his Agreem.t with the Treasury for the passage of these French protestants to Charles Town. P.M. Mr McNutt again attending their Lord ships had some further conversation with him touching his Agrument with the Treasury. The Draft of a Representation to His Majesty upon Mons Siberts petition touching a Settlement in South Carolina for the French protestants. was agreed to & ordered to be transcribed. as was also a Letter to the Governor of that Province. containing directions for laying out a Township for that settlement and recommending these people to his care and protection

. . . . . .

Friday 18th Nov.r 1763

So Carolina The draft of a Representation to His Majesty upon the petition of Mons. Sibert concerning a Settlement for the French protestants in So Carolina having been transcribd was signed. and Mr. McNutt having delivered in a specification of the Conditions upon which he proposes to provide a passage for these French Pro testants to South Carolina Mr Pownall was ordered to transmit it to the Secry to the Lords Commrs of the Treasury, and to signify to him. that this Board submits it to the consideration of the Lords Commrs of the Treasury whether the contract with Mr McNutt for this service should not be in writing . . .

Monday 21st Novr 1763

So Carolina Read a Letter from Francis Biddulph Esq. late an Office in His Majestys Land service to the Earl of Hillsborough. dated 30 October 1763. desiring Orders may be given to the Governor of South Carolina to make him a Grant of Lands in that Province. as far as what is proportioned to what is allowed to Officers who have served in America Ordered that the draft of a Letter to the Governor of So Carolina. upon the subject of Mr Biddulph's Applicn be prepared

. . . . . .

Tuesday Novr 22nd 1763

So Carolina The draft of a Letter to the Governor of So Carolina containing directions for the settlement of the French protestants in that Province having been transcribed was signed. as was also a Letter to the said Governor recommending Captain Biddulph for a Grant of Lands in the said Province

. . . . . .

Thursday 1st decr 1763

So Carolina Read the following Letters and papers received from the Governor of So Carolina Viz.t Letter from Govr Boone dated the 15th Sept. 1763 acquainting the Board with the Receipt of their Letters & papers relative to his correspondence. to proclaiming the peace & the establishment of a Temporary Line of Jurisdiction between No and So Carolina. Another Letter dated 15th Sept. 1763 vindicating his proceedings with the Assembly of that Province. and

(inclosing)

inclosing Petition to the King from the Commons House of Assembly of South Carolina relative to their Right of determining the validity of the Election of their Members Copies of Messages from Governor Boone to the Assembly of South Carolina and their Answers Journal of the House of assembly from the 1st to the 16th of Sept 1763 Letter from Governor Boone to the Board dated the 27th Sept 1763 containing an account of a difference which has arisen between the Council and Assembly of that Province and inclosing Message from the Commons House of Assembly to the Council dated 28 May 1762 Message from Do to Do dated 29th May 1762 Address of the Council to Governor Boone dated 24th Sept 1763 Governor Boones answer to the Councils Address Ordered that the said Letters & papers be taken into further consideration this day sennight

. . . . . .

Thursday 8th Dec 1763

South Carolina Ordered that the consideration of the Letters & Papers from the Governor of So Carolina mentioned in the Minutes of the 1st inst was postponed

B. P. R. O. South Carolina. B. T. Vol. 20. N. 103.

Charles Town. So Carolina
Jan.y 9th 1763. → correctly 1764

My Lords,

I was honoured with your Commands in three letters of the 7th 10th & 11th of Octr. In answer to the first I beg leave to assure your Lordships that I do constantly transmit every paper required by my Commission & Instructions, which comes to my hands; By my Commission & the 29th 30th & 31st Instruction, I am commanded to transmit authentick copies of all Laws, Statutes & ordinances made or enacted in this Province within three months, & to require such copies of the Secretary, & the Journals of the Council & Assembly from the respective Clerks, this I have never failed to do, when it was possible to do it within the time, but the Officers may have been a little dilatory.

My 22d Instruction to which I beg leave to refer, regards the Officers of the Revenue & their transmitting their accounts. a copy of this I have served upon the Receiver General, the Publick Treasurer, the Auditor & the Collector of the

Customs

Customs: The last does not suppose himself to be comprehended within this Instruction; he sends regularly to the Commissioners of the Customs his accts every quarter, to which I swear him; & I am very sure from his established good character that he will have no sort of hesitation in case your Lordships should suppose him to be intended also by the Instruction. The Receiver General hopes to have his Accounts ready for the Mercury man of war, which will sail this month; he takes this time, intending to comprehend in them the whole of my administration. The Provincial Treasurer is to give me his answer as soon as he has laid my letter & the Instruction I served upon him before the Assembly, in order I suppose, that they may provide for the expence of copies of his accts for your Lordships.

No 9 of his Majesty's orders & Instructions touching Trade & Navigation directs, that lists of shipping & invoices according to a form annexed to the aforesaid orders, should be sent to your Lordships & other Boards & accordingly I served that Instruction on the Collector & Naval Officer; & I now have the honour to enclose three manifests

-fests & two lists of shipping inwards & outwards to the 5th instant: The Collector regularly sends a shipping list to the Commissioners of the Customs as well as copies of all manifests: & the very clearance itself, is a manifest to the Collector of the Port where the ship is bound, so that I apprehend I have executed your Lordships pleasure on this head.

Your Lordships letter of the 11th of Octr contain'd the King's Proclamation touching the new Colonies & other matters which has been accordingly publish'd, & obedience strictly enjoin'd: Upon this my Lords it is my Duty to observe to your Lordships, that so much as regards the laying open the Indian Trade & the granting licences to every body, is a virtual though not a formal repeal of our Act of Assembly to regulate the Trade with the Cherokee Indians; which in my opinion has been attended with very good effect. This Act places that Trade exclusively in the hands of the Publick: the Proclamation makes it genl, the part then that I have left to act is to obey the King's Commands. & grant licences under the prescribed restrictions, to all who shall apply; & in case they should be prosecuted under

the

the Act of Assembly, to direct the Attorney Genl to issue a nole prosequi. If I am wrong I have hopes your Lordships will direct me otherwise. Your Lordships letter of the 11th of Octr directs me in the strictest manner, to make the suppression of the clandestine & prohibited Trade with foreign nations & the improvement of the Revenue, the constant & immediate objects of my care, there is not an injunction or order in this letter, but what I have constantly practiced, & as you are pleased to require such observations, as might occur on the state of the illicit Trade, I beg leave to refer your Lordships to the Act for regulating the coasting Trade of this Province recommended & passed by me & in your Lordships Office, to show, that a year & a half ago I entered into the spirit of the King's Commands with which I am now honour'd. By this Act, Coasters now incur a penalty by leaving the Province without clearing at a Port of Entry, & such Officers as are authorised by the Govr, may seize, inform, & prosecute; but were Coasters absolutely restrained from engaging in foreign Trade at all (which considering the smallness of their burden can never

never be advantageous if their Trade is a fair one) & all persons without distinction empowerd to seize inform & prosecute few or no vessels could carry enumerated goods to foreign Settlements nor return to this Provinces with cargoes of goods prohibited, for the common run of sea vessels draw too much water for our country inlets. Besides my Lords, the navigation of the Coasting Trade is chiefly performed by negroes. & I apprehend if these are encouraged to foreign voyages, that it will be a great discouragement to Sailors. The opposing illicit Trade & bringing to condemnation a vessel concerned in it rendered me obnoxious to the commercial people in the Northern Provinces & my discountenancing it by every means in my power, has by no means made me acceptable to the trading part of this Colony. nor will this hint or the following tend in the least to the removing these impressions.

I beg leave to observe that in the Plantations the omitting to report goods liable to duties, is no forfeiture of them, though in Great Britain it is by the 9th Geo. 2nd; if such goods shall have been concealed in private places of the ship, Importers

ought

ought certainly to enter the goods consign'd to them, especially as the scarcity of Officers in the Plantations will not admit of their being constantly on board vessels unloading, & the not reporting fully therefore, considering the confidence that must be reposed in the importers, because Custom House Officers in America cannot constantly attend, may well be deemed a concealment. By the 14 of Charles 2d none but Officers of the Customs are to seize, which Act extends to the Plantations & is certainly a great security to persons concerned in illicit Trade; & by there being no obligation on the person claiming seized goods in the Plantations (though in Great Britain there is) to give security to pay the costs occasion'd by such claim, the difficulties attending a prosecution are augmented, which are but too many already, & considering the general spirit of this part of the world scarce surmountable. If Forfeitures of small vessels were to be adjudged here by a less expensive & tedious process, than an Admiralty suit, as they may be in Great Britain by two or more Justices of the Peace, the fair Trader might at least be assisted, & the diminution of the

Revenue

Revenue be in a degree prevented. These my Lords are my present thoughts which I most humbly submit to your Lordships judgment.

I summoned the Assembly to meet upon information receiv'd that the Creeks notwithstanding their promises & fair speches had murder'd fourteen people in the North West part of this Province; as yet the Assembly has done nothing, affecting not to credit the intelligence, though it is well authenticated. Though I have in a manner precluded myself from taking any steps with them by acquainting your Lordships that I waited for your positive orders for that it was impossible for me to alter my opinion & of course my conduct must be the same yet if there was any hopes of their receding from their resolutions not to do business upon a prorogation I might be justified in proroguing them. But the violent members who take the lead make no scruple of declaring they would renew the Resolution if that step was taken so that I must be strengthen'd by your Lordships Commands to deal with them properly. In consequence of the King's Instruction I made application to the Commons House of Assembly to

provide

provide for the expence of running the temporary line of Jurisdiction between S.C. & N.C. My Speech & the Councils Address I have the honour to enclose. the Commons have taken no sort of notice of it, though the King has been pleased to order this line to be run at their own importunity by their Agent. They are down right refractory. I wait with the utmost impatience for your Lordships directions & have the honour to be

My Lords,

Your Lordships most obed.t

and most Humble Serv.t

The Rt. Honble Tho: Boone.

The Lords of Trade & Plantations.

P.S. Jan.y 8.th I enclose three more manifests the Provincial Treasurer has not furnished me with his accounts or his reasons for not sending them, the Receiver Generals are herewith transmitted to your Lordships. The Creeks news is too true. The Council Journals could not be ready for this ship.

Rec.d March 6. J. B.

Read July 9.th } 1761.

(Inclosure.)

M. 1011. Copy of Gov.r Boone's Speech to the Assembly, the Councils Address & the Gov.rs answer.

B. P. R. O. A. & W. I. Vol. 223

Charles Town, So Carolina
March 8th 1763

My Lords,

I had the honour of receiving your Lordships letter of the 27th of Nov.r notifying as well the signing the preliminary articles of peace as the notification of them, and enclosing his Majesty's Proclamation for a Cessation of Hostilities which in obedience to the King's Commands, was immediately made publick in this Colony. I beg leave to present to your Lordship my congratulatory compliments on an event so peculiarly beneficial to his Majesty's Dominions in this part of the world. I have the honour to be with the utmost respect.

my Lord,

Your Lordship's most obed.t
& most humble Servant.
Tho: Boone.

The Rt. Honble
The Earl of Egremont.

R. April 25th

B. P. R. O. South Carolina B. T. Vol. 20 M. 68.

At the Council Chamber Whitehall
the 12th of march 1763.

By the Right Honourable the Lords of
the Committee of Council for Planta-
tion affairs.

His Majesty having been pleased to refer unto this Committee, a Representation of the Lords Commissioners for Trade and Plantations, dated the 22d of December last, upon a letter lately received by them from Thomas Boone Esqr His Majestys Governor of South Carolina, which letter sets forth the great mischiefs and confusion that are likely to arise from some late Proceedings of the Governor and Courts of Justice of North Carolina, who have served Writs of Ejectment on Persons long deemed to be Inhabitants of the Southern Province, and caused Surveys to be made and Lines to be run over the Hunting Grounds, and over Burial Places of the Catawbas, to the great Alarm and Disquiet of that friendly nation of Indians. And the said Lords Commissioners having represented (amongst other things) that it appears to be of the greatest im-

portance

portance to both the said Provinces, that the most speedy End be put to the bad Consequences of the Transactions set forth by Governor Boone, and all further Disputes of the like nature be prevented: and that it were to be wished those Objects could at once be attained by the immediate Establishment of a certain Line of Partition, as well as to Property as Jurisdiction. But necessary and desirable as that Remedy is, it cannot, they conceive, be applied with that Degree of Dispatch which the present case appears to require. the said Lords are therefore of opinion, that His Majesty may be graciously pleased to declare and establish a Temporary Line of Jurisdiction between the two Provinces of North and South Carolina, in order to preserve the Peace and Tranquility of both, until a perpetual Line of Partition shall be finally determined by His Majesty. And to that end do humbly propose, that the Line already agreed upon, begun, and in part set out by the Commissioners of both Provinces in the year 1735. in consequence of His late Majesty's Instructions to Gabriel Johnson Esq.r then Governor of North Carolina, may be the temporary Line of Jurisdiction, and in case it shall

appear

appear that the said line has not been marked out so far North as the Thirty fifth Degree of North Latitude, that then Commissioners should be appointed by both Provinces to continue it in the same Direction in which it has hitherto proceeded to the said Thirty fifth Degree of North Latitude; and from thence due West until it meets the Eastern limits of the Lands claimed by the Catawbas, and that no Settlement whatever should be made, or Jurisdiction of either Province exercised upon the Lands claimed by the said Indians, until the said claims shall be finally adjusted, and further That the Forts which have been erected in either Province, to the Westward of the said Lands so claimed by the Catawbas, be deemed to belong to, and continue to be maintained by that Province at the expence of which they were erected, and have hitherto been supported. The Lords of the Committee this day took the said Representation and Letter into Consideration, and being of opinion that the Methods advised by the said Lords Commissioners for preserving the Peace and Tranquility of both the said Provinces, are proper to be pursued until a perpetual line of Jurisdiction

shall

shall be determined by His Majesty, Do therefore hereby Order that the said Lords Commissioners for Trade and Plantations do prepare Draughts of Instructions to the Governors of North and South Carolina, agreable to what is proposed in the said Representation, and lay the same before this Committee with all convenient speed.

W. Sharpe

Read
Read March 23 } 1763.

B. P. R. O. South Carolina B. T. Vol. 20. N. 69.

Charles Town, S.C. Carolina.
March 13. 1763.

My Lords,

It is near a year ago upon Judgment being given in a cause in the Court of Common Pleas, that application was made to me for a copy of the late King's 52.d Instruction to Gov.r Lyttleton (his present Majesty's 40.th to me) which enjoins the Governor to permit and allow appeals condetionally; a Copy was accordingly granted and as it did not appear that this Instruction had been properly notified to the Judges, nor in any manner made publick, though a matter of publick concern; a copy was by my order served on the Chief Justice, and enter'd on record in the Court of Common Pleas: In consequence of this a petition was soon after presented by the person who had been cast, to the Governor in Council, for permission to appeal from the verdict given against him, the petition was receiv'd and file'd, but upon taking into consideration the forms to be observ'd in the execution of the Instruction, several difficulties occurr'd at the first setting out, and we agreed

agreed to refer the Instruction and Petition to the Attorney General of this Province, for his opinion as to the manner of establishing this new Court, agreable to the Forms of Law, and the tenor of the Instruction. The Gov.r & Council were not agreed whether the proceedings were by the Instruction intended to be after the civil or common law manner & whether the Court was to take cognizance of matters of Law, only, or fact also: whilst the Attorney was preparing his report, I fruitlessly endeavourd to procure from other Colonies that had been longer settled, copies of the proceedings of any cause removed to this Court, & from thence to the King in Council, as this progress would clearly have established the propriety of the mode pursued. The Attorney Generals opinion upon the reference my Lords, has by no means dispell'd all our doubts and the Council have concurr'd with me in thinking this a matter of consequence enough to be laid before your Lordships, that by your order, I may either be furnish'd with a compleat transcript of a cause begun in a Colony Court of Law, moved to the Gov.r and Council, and finally determined by the King in Council, or the

Attorney

Attorney or Solicitor Generals minute and distinct directions for our conduct in the execution of this Instruction, if your Lordships should think these more proper. I cannot my Lords well avoid the trouble I give you, for were we to proceed so much in the dark as we are, in a business totally new, & by no means within the compass of every mans knowledge, one blunder so likely to be committed, would be sufficient to bring this Court at least into disrespect, which withall our caution may possibly be a little obnoxious.

I have the honour to be with the greatest respect,

My Lords,

Your Lordships most obedient

and very humble servant,

Thos: Boone.

The Right Honble

The Lords of Trade.

Recd
Read May 18 } 1763.

note. Here follows bound in this volume (but not referred to by Govr Boone in his letter of 13th march 1763) The South Carolina Gazette Jan 29 to Feb 1763.

B. P. R. O. South Carolina B. T. Vol. 20. N. 70.

Charles Town, S. Carolina,
March 29th 1763.

My Lords,

I have at length got and convey to your Lordships by his Majesty's ship the Nightingale the Council and Assembly Journals, and the several Acts which I have passed in this Government. The Assembly have hitherto adher'd to their Resolution of do no further business with me, by which their obstinacy, their constituents can only suffer; and as there has been no urgent occasion either immediately regarding the King's Service, or the internal Police of the Province, I have manifested the most perfect indifference to their Behaviour, which I have good reason to believe has mortified them to the quick; it has already raised in the minds of some of the most violent, a desire of a dissolution, which, I do not propose to gratify them with untill there is a real occasion for it; and it has lately produced a trial of their own to dissolve themselves, by declining to meet to adjourn, this appeared to me so very destructive

of

of every principle of Government, that I yesterday issued a Proclamation with the advice and consent of the Council, appointing a day for their reassembling which the Eighteenth Clause of the Election Act impowers me to do. Your Lordships will have observed I dare say, that in my former letters I have avoided aggravating any thing in my report of their conduct, but it is my duty not to conceal from you, that their general plan seems to be, to acknowledge in every dispute of this sort no other authority than the Parliaments: this opinion appears clearly in a letter from a private member to his parish, which I enclose to your Lordships because it has been adopted by the Committee that were order'd to transmit a defence of the Assembly to their Agent. It would be difficult to account for the prevalence of this contentious spirit in more Colonies than one, any otherwise than by recollecting how often Governors have thought it adviseable to relax and yield some points, in order to carry others, which a time of war made expedient; but these cessions have only provoked further encroachments, and encreased the Assembly's opinion of its own consequence. I have the honour to be,

The Right Honble
The Lords of Trade.

my Lords,
Your Lordships most obedt
and most Humble Servant.
Tho: Boone

Recd June 27
Read August 11 } 1763.

B.T.R.O. South Carolina B.T. Vol. 29 p. 185.

(29th March. 1763)

To the Right Honble the Lords of the Committee of His Majesty's most Honble Privy Council for Plantation Affairs.

My Lords,

Pursuant to your Lordships Order dated the 12th Instant, We have prepared Draughts of Instructions to the Governors of North & South Carolina, signifying to them His Majesty's Pleasure concerning the immediate Establishment of a temporary Line of Jurisdiction between the said Provinces; and We beg leave herewith to lay the said Draughts before your Lordships.

We are,

My Lords, &c.

C. Townshend

Soame Jenyns

Ed. Bacon

Edmond Thomas

Geo: Rice

Orwell

Whitehall
March 29th 1763

B.P.R.O. South Carolina. B.T. Vol. 29. p. 186.

Instruction to Our Trusty & Wellbeloved Thomas Boone Esq^r Our Captain General & Governor in Chief in & over Our Province of South Carolina in America, or in his absence to the Lieut. Governor, President of Our Council, or Commander in Chief of Our said Province for the time being. Given at Our Court at St. James's the _____ day of _____ 1763 in the third year of Our Reign.

Whereas it hath been represented to Us, that great disputes have arisen, and much mischief and confusion are likely to ensue, amongst Our subjects on the Frontiers of Our Provinces of North & South Carolina from the want of a certain known line of Jurisdiction between the said Provinces; In order therefore to prevent all further disputes of the like nature, and to preserve the peace & tranquillity of both Our said Province, until a perpetual Line of Partition between them shall be finally determined by Us, We have thought fit hereby to signify to you Our Will and Pleasure,

that

that the Line already agreed upon, begun, and in part set out by Commissioners appointed by both the said Provinces in the year 1735, in consequence of His late Majesty's Instructions to Gabriel Johnson Esq.r the Governor of North Carolina, shall be the temporary Line of Jurisdiction between Our said Provinces of North & South Carolina. And in case it shall appear, that the said Line has not been mark'd out by the said Commissioners so far North as the thirty fifth degree of North Latitude, you are hereby authorized and required to appoint Commissioners to proceed, jointly with Commissioners to be appointed by Our Governor of North Carolina, in continuing the said Line in the same direction, in which it has hitherto proceeded, to the said thirty fifth degree of North Latitude, and from thence due West until it meets the Eastern limits of the Lands claim'd by the Catawba Indians. And it is Our express Will & Pleasure, that no settlement whatever be made, nor the Jurisdiction of either Province exercised upon the Lands claim'd by the said

Indians

Indians, until the said claims shall be finally adjusted. And Our further Will and Pleasure is, that the Forts, which have been erected by either of Our said Provinces, to the Westward of the said Lands so claimed by the Catawbas, shall be deem'd to belong to, and continue to be maintain'd by that Province, at the expence of which they were erected, and have hitherto been supported.

B. P. R. O. A. & W. I. Vol. 223.

Charles Town, So Carolina
21st April. 1763.

My Lord.

A few days ago a French prisoner was brought me that was taken in the Cherokee Nation by Mr Sumter, who by your Lordships orders accompanied the three Cherokees hither. Mr Sumter acquainted me that this man had been endeavouring to raise disturbances, and that he attributed the disposition of that Nation which still continues unfavourable, to the impressions which they received from this and some other French Emissaries. In consequence therefore of that Article of the Treaty, which requires that all Frenchmen who go among the Cherokees, shall either by them be delivered up or suffered to be taken, Mr Sumter brought him off with some difficulty and danger, after I had endeavoured fruitlessly by others to get him out of their hands; I have questioned the prisoner twice very particularly, but though he was much on his guard, I think he has prevaricated; He says that he is a Canadian, a Lt in rank, and has been a partisan this whole war, but has no Commission, speaks several Indian languages, and left Fort Assomption for having

killed

killed a brother Officer, but this is the common tale. His very account of himself made me judge it necessary to remove him as far from this Continent as I could, by this means also there will be a stop put to such applications as the Cherokees will very probably make: he has been treated well, and I have prevailed on the Senior Captain of the King's ships on this Station, to order him in the Nightingale to England, where he will be delivered to the Commissary for Prisoners; when I have acquainted your Lordship with his name which is Barondes Sonnes according to his writing it, I shall have occasion to trouble your Lordship no further, except to recommend Mr. Sumter to your Lordship's further notice, as I have not been empower'd by your Lordship's orders or authorized by the Assembly to indemnify him for his expences, time, fatigue & risk, since I paid him a hundred pounds in obedience to your Lordship's Commands signified to me by Mr. Wood.

I have the honour to be,

my Lord,

The Rt. Honble The Earl of Egremont

With the greatest respect Your Lordship's most obedient & most humble Servt

Tho: Boone.

R. June 24.

B. P. R. O. South Carolina. B. T. Vol 29. p. 190.

(30th May. 1763.)

Letter to Thomas Boone Esqr Governor of South Carolina.

Sir,

A Report having prevailed, that you had, with the concurrence of the Members of His Majesty's Council in So. Carolina, issued Orders or Warrants for surveying large Tracts of Land in that part of His Majesty's Dominions in America, which lies to the South of the River Alatamaha, in order to pass Grants of such Lands, as being within your Jurisdiction; & the truth of this Report having been confirmed by the Copy of a Protest or Caveat of the Governor of Georgia against making such Surveys & Grants, which has been communicated to Us by the Agent of that Province; It is our indispensable Duty to avail ourselves of the opportunity, by a vessel now ready to depart for Charles Town, of expressing to you our surprize & concern, that you should have engaged in a measure of this nature, so inconsistent with, & prejudicial to His Majesty's Interests & Authority.

The

The making Grants of any part of this Country is certainly contrary to the spirit & intention of His late Majesty's Orders for the removal of Grey & his adherents from the Settlement of New Hanover, & must not only embarrass the execution of what general arrangements may be necessary in consequence of the cession of Florida, but will also interfere with those measures it may be reasonably supposed His Majesty will now pursue to extend the Government of Georgia, & thereby to remove those obstacles & difficulties, which that well regulated Colony has so frequently & justly stated to arise out of the narrow limits to which it is confined.

We hope however, that this letter will reach you time enough to prevent any Grants passing in consequence of the Surveys, & as to any equitable claims, which those persons, in whose favour the Surveys have been made, may have in consequence of the expences they have been at, such claims must remain for His Majesty's determination upon a consideration of each particular case; but if

it

it shall appear, as it has been suggested, that this measure has been calculated with a view to the particular benefit of those, who advised and acted in it, such persons may be assured, that any claims on their part will not only be discountenanced; but that, as Officers of the Crown, their conduct will meet that censure & disapprobation it so justly merits.

We are,

Sir,

Your most obed^{t} humble Servants.

Shelburne
Ed. Eliot
John Yorke
Geo: Rice

Whitehall
May 31st 1763

B. P. R. O. South Carolina B. T. Vol. 20. M. 71.

Charles Town, S.t Carolina.

May 31 1763

My Lords,

I yesterday was honoured with your Lordships letter of the 3.rd of Dec.r acknowledging the receipt of mine of the 11.th of Sept.r which I am very sorry to find your Lordships deem neoplect as to the particular points in which I thought the Assembly acted improperly, & in obedience to your commands I now send a more circumstantial account: The Election Act which I knew your Lordships had, or I would have sent a copy of. I looked upon to be the rule according to which members were to be chosen, & by which I was to judge of the propriety of an Election, the enforcing of every law I thought my duty, nor could I in my judgment connive at a breach of any, consistent with the oath I took to see them all punctually observed. the 2.nd Clause of the election Act requires, that the Churchwarden & two other person to whom a writ may be directed should be sworn previous to the execution of the Writ, the Writ was returned without an Indorement of

the

the Oath having been administer'd, and without a return to the Clerk of the Council (an extract from the Assembly Journals which I have the honour to enclose will confirm the Writs being without a Return) who seeing so unusal an omission, was induced to ask the Churchwarden whether he had been sworn, who told him he had not ✓ this has never been denied by the Assembly: The Clerk of the Council Mr Simpson who is in England, was directed by me to deliver the Writ to the Assembly, ✓ I was in no sort of doubt upon their considering the objections above mentioned, but they would have applied for another Writ, because the one in question had not been executed agreable to the Election Act; had I dissolved the Assembly for the Churchwardens misconduct, I apprehend my Lords I should have been highly blameable, but after having given them time to consider, to debate, to determine the validity of a members election against a positive law they then offended as a body, ✓ were I thought to be punished as such, if the Act of the Assembly was not obligatory on them in this instance, neither was it so in any, ✓ if they could dispense with the observation of one act, they might equally with all; but I really

thought

thought then & think now, that their power of deter
mining the election of their own members was circum
scribed by the several Clauses of the Election Act, that
a member could not be duely elected that had been
returned by a Church Warden not sworn to the due
execution of the Writ, because it is a sine qua non,
and as much required by the Act from him, as
the profession of Christianity, the being white, a
freeman, or of age, is from the elected. I beg your
Lordships leave to suppose in illustration of my
sense of the act, which I have had sufficient time,
& occasion to consider, that the Assembly after
having admitted a negro to a seat in their House,
had sent him to me to be qualified, abstracted
from the discretion which the race of this colour
labours under, it would have been no greater a
violation of the Law; what could I have done?
I have no power to vacate a single election, it is
the act of the House, & must be pass'd over tamely
which would be criminal, or punished by a dis
solution that might inflame. Thus my Lords
I have given you as clearly as I am able the rea
sons which induced me to dissolve the last Assem
bly, if they should be thought insufficient by

Your

your Lordships, & you are pleased to direct any acknowledgment to the Assembly from me of my error, & confirmation of all their claims, and nothing less of the mild sort will satisfy them I am afraid, the same principle of duty which has already led me to oppose their unwarrantable grasps at power, will equally govern me in every instance I am to give of the respect with which

I have the honour to be,

My Lords,

Your Lordships most Obedient

& most Humble Servant,

Tho: Boone

The Rt. Honble

The Lords Comm.rs for

Trade & Plantations.

Recd ——

Read August 11 } 1763.

(Inclosure)

Extract from the Journals of the S.r Carolina Assembly. Friday Sept. 10.th 1762.

B. P. R. O. South Carolina B. T. Vol. 20. M. 73

Charles Town, So Carolina
May 31st 1763.

My Lords,

I yesterday was honourd with your Lordships letter of the 9th of march, notifying to me his Majesty's appointment of your Lordships to be his Commissioners for promoting the Trade of Great Britain, & for inspecting & improving His Majesty's Foreign Colonies and Plantations, & enclosing a copy of his late Majesty's Order of Council, & copies of two letters from the Secretary of State to your Board, and also a copy of an additional Instruction, by which several explanatory papers I shall not fail to regulate my future correspondence with your Lordships.

I have the honour to be with great respect.

My Lords.

Your Lordships most Obedt
& most humble Servant.
Tho: Boone.

The Rt. Honble
The Lords of Trade &c.

Recd ____
Read August 11 } 1763.

B. P. R. O. A. & W. I. Vol. 223.

Charles Town, So Carolina.
June 1st 1763.

My Lord,

The day before yesterday I was honoured with your Lordship's letter of the 18th of Febr notifying the signing of the definitive Treaty, & a Postscript of the 16th of march, acquainting me of the ratifications having been exchanged, upon the completion of which happy event, I beg leave to present my most respectfull congratulations.

I am to acknowledge also the honour of your Lordship's letter of the 16th of March, containing his Majesty's Commands, that I should in concert with the Governors of Virginia, North Carolina, Georgia & the superintendant of Indian affairs, invite the Catawbas, Cherokees, Creeks, Chickesaws & Chactaws to a meeting at Augusta or elsewhere immediately, in order to express to them his majesty's gracious dispositions and intentions: In order therefore to manifest the earliest obedience to his majesty's Commands, & to save as much time as possible, I yesterday by express propos'd the 15th Sept. to the respective

Governors

Governors & the Superintendant, for our meeting at Augusta, which is as short a day as can be fixed upon, consistently with the notice necessary to be given to the Chactaws, who are seven hundred miles distant, & the allowance to be made for the arrival of the Presents & their transportation to Augusta, which alone will take up near a month as far my Lord as I am concerned, I shall most punctually attend to the commands with which I am honour'd, the probability of a peace has already reached all these Nations, & the conclusion of it some. The Chactaws & Chickesaws from whom I have heard this day, both mention it, the last are our firm friends, the first in tolerable good humour, with some presents I sent them. The Creeks are frequently committing murders & as a letter which I this morning receiv'd from Lt. Dunnell of the Independent Company who commands at Augusta a prudent sensible man, discovers their sentiments upon these Southern Cessions, I take the liberty to transcribe the following extract for your Lordship's perusal.

"The Creeks have been informed that the "French & Spaniards are to evacuate all they

possess

"possession on this side the Mississippi. they dont seem to
"relish the news, & even declare that they will not suffer
"them to depart. they also insist that in case the
"French & Spaniards should be taken from them. the
"English have no right to take possession of places,
"that were never given to them & that they will oppose
"any such attempt. About twenty days ago they kill'd
"one Spencer a Trader from this place. on this occasion
"some of the Chiefs assembled. & seemed ready to give
"satisfaction for the murder, but M.r Colbert who is
"come down since, says they have put the fellow out
"of the way & give out that he cannot be found. &
"with much indifference say, they dont apprehend the
"peace will be spoilt, by the death of one man. Some
of the Chactaws & Creeks are at war with the Chicke-
saws, the Cherokees & Chactaws are almost always at
war, from hence your Lordship may conclude, that
a good deal of caution must be used in the treatment
& management of the several Chiefs at this Conference.

I have the Honour to be with the greatest respect.

My Lord.

Your Lordship's most obed.t
& most Humble Servant.
Thos. Boone

The Rt. Honble
The Earl of Egremont

R. July. 18.th

B. P. R. O. South Carolina B. T. Vol. 20 M. 711.

Charles Town So Carolina
17th June, 1763.

My Lords,

I this day &c never before received by your Lordships order from Mr Pownal by the way of New York and Virginia a Copy of your Lordships Representation to His Majesty dated Nov.r 11th 1761. &c two additional Instructions from the King in consequence, both dated Dec.r 9th 1761, to which I shall most punctually pay obedience with regard to the tenure of Judicial offices nothing that I remember was ever attempted by the Assembly, towards the establishment of them by Act, &c with respect to Grants of Land His Majesty's Instructions have been my constant guide, &c I have never heard the least complaint from any Indians whatever, the Catawba lines are known, the Chickesaw lands reserved &c excepted in the Surveyors Instructions, &c the other Indians are too remote to be affected by Surveys from this Province I beg leave to assure your Lordships that as well

in

in the making publick His Majesty's pleasure upon this occasion, as upon every other when I am honour'd with his Majesty's Commands I shall most dutifully observe them.

I have the honour to be,
My Lords,
Your Lordships most obed.t
& most Humble servant,

The Rt. Honble
The Lords of Trade.

Tho: Boone

Recd ——
Read August 16 } 1763.

B. P. R.O. South Carolina. B.T. Vol. 20. N. 93.

Treasury Chambers.
3. August 1763

Sir,

The Lords Commissioners of His majesty's Treasury having taken into consider-ation the minute of the Board of Trade concerning Mr Macnuts proposal for trans-porting certain French Protestants to South Carolina. Their Lordships desire you will acquaint the Lords Commissioners for Trade and Plantations, that they agree with them in opinion that the general Rule of sub-jecting all Lands granted by the Crown in America to the payment of Quit Rents, should not be departed from, but they are pleased to direct that one hundred pounds be offered to Mr Macnut in lieu of an exemption from Quit Rents, as a further encouragement for transporting the French Protestants to South Carolina. The said one hundred pounds is to be paid out of the Bounty already granted by His Majesty

for

for the relief of the said Protestants.

I am,

Sir,

Your most Oble Servant,

C. Jenkinson.

John Pownall, Esq.

Read august 4. 1763.

B. P. R. O. South Carolina B. T. Vol. 29. p 194.

(4th August 1763.)

To the King's most Excellent Majesty

May it please your Majesty.

John Rattray Esq.r one of your Majesty's Council in the Province of South Carolina, being deceased, & John Burn Esq.r being recommended to us as a person very qualified to serve your Majesty in that Station, We beg leave humbly to propose to your Majesty that he may be appointed of your Majesty's Council in the said Province, in the room of the said Jno Rattray Esq.r deceased.

Which is most humbly submitted.

Shelburne
Ed. Eliot
John Yorke
Geo: Rice
Orwell
Bamber Gascoyne

Whitehall
Aug.st 4th 1763.

B.T.P.O. South Carolina. B.T. Vol. 29. p 193.

(3rd August 1763)

John Stuart Esq.r Superintendant for Indian affairs, in the Southern District of America.

Sir,

His Majesty having been pleased upon our Report to him of the arrangements, necessary to be taken in consequence of the Cessions made to His Majesty in America by the late definitive Treaty of Peace, to direct, that the Agents for Indian Affairs should correspond with us in all matters regarding their Departments, & should transmit all such Informations as we should require from them, We take this opportunity of acquainting you with His Majesty's Commands, not doubting of a regular & exact obedience thereto on your part.

A regular & constant correspondence upon these points, at all times usefull and important, is now become essentially necessary from the great number of hitherto unknown Tribes & Nations, which are now under

His

this Majesty's immediate protection, and the necessity there is of speedily falling upon some method of regulating the Indian Commerce & Policy upon some more general & better establish'd system than has hitherto taken place.

It is with a view to this object, that we have proposed to His Majesty, that a Proclamation should be issued, declaratory of His Majesty's fixed determination to permit no Grants of Lands, or any Settlements to be made within certain fixed Bounds under pretence of purchase or any pretext whatever, leaving all the Territory within these Bounds free for the hunting grounds of the Indian Nations, & for the free Trade of all his subjects.

In what manner this free Trade is to be regulated, and by what general Plan the Interest & Politicks of the Indians are to be formed & directed, will, in a great measure depend upon such opinions & proposals, as we shall receive from you & His Majesty's Agent for the Northern District upon this subject, & therefore we desire you will apply your utmost thought & attention to this

important

important object, & that you will, as soon as possible, transmit to us a very full and particular Report of the present actual state of Indian affairs within your Department describing, with as much accuracy as possible, the several Nations or Tribes of Indians, their different Interests, Claims & Dispositions, and what will, in your judgment, be a proper plan for the future management and direction of those important Interests, to the satisfaction of the Indians, the benefit of a free Trade, & the Security & Interests of His Majesty's Dominions.

We are,

Sir, &c.

Shelburne
Ed. Eliot
Bamber Gascoyne
Orwell
Geo: Rice

Whitehall
Augt 5th 1763

B. P. R. O. South Carolina. B. T. Vol. 20. N. 76.

Charles Town. South Carolina.
17 August. 1763.

My Lords,

I am excessively concern'd to find by your Lordships letter of the 30th of May, which I had the honour to receive yesterday, that any part of my conduct should be deem'd by your Lordships inconsistent with & prejudicial to his Majesty's interest & authority; it is the more afflicting to me, as it has been my invariable study to promote the one, & to assert the other; I receive with the utmost deference your Lordships reproof, & tho' I shall not presume to enter into a justification of what your Lordships are pleased to condemn, yet you will I dare say forgive me for stating the reasons which led me to offend so undesignedly, by granting Warrants for Land to the S.ward of the Alatamaha River.

By the second Charter granted to the Lords Proprietors by Charles the 2nd the limits of this Province were extended Southward as far as the Latitude of 29. no sort of alteration that I know of was ever made by the Crown, for the

Grant

Grant of Georgia to a Corporation, was nothing more than a favour conferrd upon a number, which His Majesty might have gratified an individual with; the Boundaries of this corporation were fixed & ascertained, & neither at this time, nor when the King thought proper to take it under his immediate protection, did his Majesty that ever I heard of, restrain the Province of Carolina from exercising Jurisdiction beyond the Georgia Southern Boundary. Provinces in America are surrounded in a manner by others & some of the greatest powers of the Crown in one Province, are by the King's Commission entrusted to Governors of others; besides this my Lords the King has & has had for many years a Post to the Southward of the Alatamaha River, garrison'd by detachments from this Province. I am sensible however My Lords that admitting the power to be in me, to do what I am very sorry to have done, that had I acted wilfully & knowingly against the spirit & intention of his late Majesty's Order. I should have been notwithstanding highly blameable, but the Secretary of States Letter for the removal of Grey & his adherents, I never saw; the

Journals

Journals of the Council were search'd by my order & the Clerk applied fruitlessly for a copy to Georgia upon a supposition the one sent to that Government might be similar: your Lordships I dare say will not impute it to me as a crime, that I treated with disregard, an insolent letter from a Governor, & a Caveat in behalf of a Province which from its vicinity to the lands in question in prospect perhaps might be interested, but upon this occasion had no more right to interfere than the most distant Colony; though it had the presumption in this very Caveat, to recite its rights & claims to lands, which it is still to receive from His Majesty's mere grace & favour. But my Lords, if I had thought myself oblig'd to pay regard to the Georgia Caveat, I could have collected from thence nothing, but that certain persons who had settled at New Hanover without His Majesty's Licence or authority, were by the late King's orders to be removed, & that no settlements were to be made without leave of His Majesty or by his authority: it was my Lords upon a presumption that this authority was vested in me, that I exerted it, it could not be

exercised

exercised by the Georgia Governor, for he had not a shadow of right, & the settling without any authority at all was the reason as I apprehended of the New Hanover people being dispossessed; if those lands were not granted before, it was owing to the resolution taken here, not to give umbrage to the Spaniards, but when war was declared that reason no longer subsisted, & warrants would then have been issued, could the Surveys have been perform'd with security; the preliminaries gave this security, for I sent a copy to the Gov.r of Augustine as well on this account as to stop the depredations of their privateers; I was not so ignorant as to suppose these Lands to be a part of the cessions intended by the preliminaries, though the author of the Georgia Caveat seems to be of that opinion; but the post abovemention'd to the Southward of the Alatamaha, would determine if nothing else would, to which Crown the territory belonged. Before I took this step my Lords, I got all the information I could, I mention'd it more than once in Council, I desired their recollection of his Majesty's orders,

regarding

regarding Grey, & all the light it was possible for me to get, tended to place this intention of mine in an advantageous light to the Crown, & a beneficial one to the Province. The Council was unanimous in advising me to issue the Warrants, nor have I the least reason to believe, that on this or any other occasion, they were biassed in their counsel by any thing, but a persuasion of the utility, & propriety of the measures proposed or adopted. His Majesty's Instructions were rigidly complied with, & every persons right made to appear before the Grant passed, long before your Lordships letter came to my hands, I had stopped issuing any more warrants & I heartily hope that what has been done will not obstruct any arrangement whatever. If the Grants passed by me should be declared void by his Majesty, any projected alterations may have their full force, should they be confirmed by the tenor of the Grants the lands must be settled immediately, & as immediately will accrue an accession of Revenue to the Crown of strength to whatever Province his Majesty thinks proper to allot them, & of income

an

in point of yearly Taxes; it can be no disadvantage to any country to have foreign settlers when the present ones are not cramped for room, as is the case of Georgia in proportion to its numbers; but besides My Lords, by an observation taken in consequence of my orders of the mouth of St Juans river, there is thirty eight miles of Latitude, & an immense tract of country Westward of which I have not granted a foot, within the limits of our Charter: I hope My Lords after what I have said, that your Lordships will rather look upon it as my misfortune than my fault, that I have incurr'd your displeasure, it has been my ambition to deserve the marks of favour which the King has conferr'd upon me, & it is beyond measure painfull to me to know from your Lordships that I have not; but though I do and shall most respectfully submit to your Lordships censure of my conduct, yet I rely on your Lordships candour, that no suggestions will have weight against me without proof, if there is any man ignorant enough of my character, & yet wicked enough to impute an action of

mine

mine to a consideration of my interest, I hope my Lords unless he proves his insinuations, that he will meet from your Lordships that discountenance & abhorrence which I should richly deserve were they true. According to the pretensions which His Majesty is pleased to allow, I have a family right to eight or ten thousand acres of land, but neither in my own name, nor in that of any other person have I ever got an acre; Grants to myself would of course been void (though I am told this doctrine is not admitted) in Georgia & I am too scrupulous in examining other peoples claims not to have every indirect practice of mine laid open, I have been Governor of this Province above two years, with as many or more opportunities of benefitting myself, than any of my predecessors ever had, had I chose to be as remiss in my duty as I have been strenuous in the practice of it; yet I never received Twenty Pounds except from the King, & the lawfull & established fees of Office; these I have often remitted, & have discharg'd those of other officers where poor settlers applying for lands have

been

been unable to prosecute their Grants: these circumstances to my own advantage, could only have been extorted from me in vindication of myself, against any malevolence in which I suppose myself comprehended, but I beg your Lordships to be perswaded that I would not upon any account have granted these Lands, could I have supposed that in the smallest degree the granting them was blameable, or that I can be wilfully regardless of my duty to his Majesty or deference to your Lordships.

I have the honour to be,

My Lords,

Your Lordships most obed.t

and most Humble Servt

The Rt. Honble Tho: Boone.

The Lords of Trade &c.

Read Oct.r 11. 1763.

B. P. R. O. South Carolina B. T. Vol. 20. N. 79.

Charles Town, South Carolina.
15th Sept. 1763.

My Lords.

The enclosed Petition to his Majesty from the Commons House of Assembly occasions my paying my respects to your Lordships at this Juncture; they have order'd their Agent to take the proper means for presenting it, & therefore though your Lordships are already possessed of all the materials necessary to judge whether their complaint is well grounded or frivolous, I thought it my Duty to transmit a copy of so extraordinary a performance with a short recapitulation of what is really the state of the case. On the 13th day of September twelvemonth I dissolved the former Assembly because the House had declared a Member duly elected and returned at their own Table, by a Churchwarden not sworn to the due execution of the Writ of Election which the 2nd Clause of the Election Act expressly requires he should be before he proceeds to this part of his Duty; The present Assembly in my opinion not only without the least pretensions but in open

invasion

invasion of the power of the Crown, thought power to condemn me for exerting the authority which the King had invested me with, & for the use and abuse of which, I was only responsible to his majesty or his ministers; If a Governor is to be called to an account by a subsequent Assembly, for dissolving a former one even supposing him to be mistaken as to the point on which he did it which I am far from allowing, there is an end to the exercise of this branch of the Prerogative in America; but it seems to me absurd that the inferior, offending, corrected party, should have the power of judging the conduct of the superior correcting magistrate. But my Lords allowing for argument sake this power to be in them, with submission to your Lordships I insist upon it, that my conduct was legal, constitutional and necessary: The House had infringed an Act which was obligatory on every individual, & though they endeavourid to explain away in spite of grammar the necessity of the Oath previous to the execution of the writ of Election because all Churchwardens take a general Oath of Office: yet my Lords it is undeniable that the

tive

two Oaths are distinct, provided for by distinct Acts at distinct times & required to be administerd by different Persons & for different purposes: a Justice of the Peace for the County is empowerd by the Election Act of 1721 to swear the returning officers to the faithfull execution of the writ but by the Church Act of 1726. It is enacted "That the Churchwardens "so chosen shall take the usual Oaths of allegiance "& Supremacy & likewise subscribe the Test & likewise declare on his oath to be administerd unto "him by the Vestry to whom the Power is hereby "given to administer the same accordingly well "and faithfully to execute the Office for the ensuing year according to the Laws & usage of the said "Province to the best of his skill & power & until "he shall be thereof duly discharged." Your Lordships well know that by Act of Parliament all returning Officers take a particular oath for the faithfull execution of each writ, & it is not extraordinary that the direction of our act of Assembly should be similar, when the Power given by the Governors Commission of passing Acts at all is conditional that they shall be as near as may be agreable to the Laws of Great Britain. If your Lordships

should

should be of opinion in consequence of those reasons I have urged before, & now repeat, that a positive clause of a law was violated by a branch of the legislature which became so only under the sanction & stipulations of that very Act. It must follow my Lords that I did my Duty according to my station and oath, by dissolving that Assembly which assumed a power of dispensing with the observation of its own acts. Much my Lords has been said by the Assembly regarding their privilege of solely examining & finally determining the Election of their own Members, but was this privilege of theirs as extensive as that of the House of Commons, it never can operate against a positive Law; and in the famous case of Ashby & White the Resolutions of the House of Commons were qualified by the very material words "in all cases not otherwise provided for by Act of Parliament" a restriction which my Assembly disdained to adopt, though I alluded to it in my answer to their Remonstrance. Though I look upon their Petition to the King as the weakest the most harmless and inoffensive that ever was drawn up against any Governor, yet my Lords considering the first impression which

Complaints

complaints are liable to make on less candid
Judges than your Lordships self defence prompts
me to make some observations on the Proceedings
of this Assembly from their becoming a House
to this their appeal to the King. Though they have
come to the most violent resolutions that were
ever entered into by any Assembly, yet my Lords
their numbers have been stantly inconsider-
able, and instead of taking pains to have the
sentiments of the Province from a full & com-
pleat representation of the constituents as has
been usual on important subjects they seem
studiously & repeatedly to have excluded many
members from taking their seats at all. When
the dispute first began they applied to the Governor
& Council to issue new Writs immediately for
the election of nine new members, no small pro-
portion of forty eight, but instead of waiting
for their advice & assistance which the very
message implied they had immediate occasion
for, they two days after entered into their famous
resolutions not to do any further business with
me as if they were afraid, that an accession of
numbers would create an alteration of opinion.

&

& the virulence of a few be stifled by the moderation of many; this same conduct has been pursued by them upon their meeting on the first of this month pursuant to my Proclamation, when notwithstanding their former resolutions they by two of their members according to custom acquainted me that a sufficient number of members had met to make a House, but that their Speaker was absent. I directed them to chuse another, which they did, presented, & received my approbation of him. I then commanded their attendance, & deliver'd a speech to both Houses, which with the address of the upper House, & the several messages that I have had occasion to send the Assembly I now transmit to your Lordships for your inspection, 'till I can send a compleat transcript of their Journals, and I flatter myself that by both Speech & Messages your Lordships will perceive every attention to the Duties of my charge, that an honest well intentioned man can value himself upon; But though in the several instances above recited the Assembly really receded from their resolutions, they thought proper to interpret it otherwise & then entered into

others

others signifying that they had adhered to their resolutions because I had not given them satisfaction upon the matter in dispute, though I still remained unauthorized by my own conscience & opinion or the Commands of my Superiors. when they had done this, some of the new elected presented themselves to take the Oaths, but as no message came from the House, though on such an occasion I never knew a message omitted, I demanded a sight of the Journals before I would qualify them as Members, and it has since appeared, that for one of those who presented themselves no writ or return could be found. Since that they have admitted an elected person without any information except from himself of his having taken the oaths, and afterwards sent four more with two of their Members but without a message to demand the oaths. I told the Members if it was a message from the House I was ready to pay a regard to it, if not I would not believe what they said, these evasions were calculated to salve their resolutions. when no other business was to be done the enclosed Petition to the King for redress was agreed upon, a measure which eight months ago I recommended to them,

&

& they declined, expressly denying the King's power to determine in matters of their privilege in a letter from a private Member to his Parish, which was most absurdly adopted by them, & therefore sent over by me to your Lordships by the Nightingale man of war & the sentence containing these sentiments was underlined by me for your Lordships particular observation. It is with your Lordships to Judge of the merit of the complaint, it is with you also, to observe with how little grace an Address to the King is presen'd by a body of people, that upon occasions when almost all other parts of his Dominions have thought proper to proclaim their loyalty & gratitude, these his Majesty's Subjects have chose to be silent, & when they want, then only can remember their Benefactor: It is with your Lordships to decide what claim these Petitioners have to favour & protection, who can stop the business, & thereby endanger the lives & properties of their Constituents, merely because a Governor is too honest to betray his trust, or sacrifice his opinion to a Cabal. It is with you to Judge of the candour and consequence of an Assembly, who in a Petition which is neither sense nor English, can

impudently

impudently & ignorantly accuse a Governor of disobeying the Royal Commands, when they can know them only in part, as the publishing or concealing those in his Instructions is absolutely left to the discretion of the Governor, and your Lordships well know, that my third Instruction empowers me, either to administer the Oaths to Members of Assembly and others, or to commissionate fit persons, but as the uniform practice here was for the Governor to administer them himself to Members of Assembly, had I declined it (which variety of business might have tempted me to), I should then by these very accusers have been charged with contempt for having left undone what I am now traduced for having done. Upon the whole my Lords it is a happiness to me to recollect that as an officer of the Crown subordinate to your Lordships, I have a claim to your support & protection, whilst I appear to deserve it, & I intreat it my Lords on no other terms; my heart tells me I am sure of it, if so, I have spirit enough to encounter every opposition, if not, I shall submit with that respect & deference which has & ever will be paid to your Lordships by

my

& they declined, expressly denying the King's power to determine in matters of their privilege in a letter from a private Member to his Parish, which was most absurdly adopted by them, & therefore sent over by me to your Lordships by the Nightingale man of war & the sentence containing these sentiments was underlined by me for your Lordships particular observation. It is with your Lordships to judge of the merit of the complaint, it is with you also, to observe with how little grace an Address to the King is presen'd by a body of people, that upon occasions when almost all other parts of his Dominions have thought proper to proclaim their loyalty & gratitude, these his Majesty's Subjects have chose to be silent, & when they want, then only can remember their Benefactor: It is with your Lordships to decide what claim these Petitioners have to favour & protection, who can stop the business, & thereby endanger the lives & properties of their Constituents, merely because a Governor is too honest to betray his trust, or sacrifice his opinion to a Cabal. It is with you to judge of the candour and consequence of an Assembly, who in a Petition which is neither sense nor English, can

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my

My Lords

Your Lordships most Obedient
& most Humble Servant,

(The Lords of Trade) Tho: Boone.

P. S. The Assembly ordered all the Messages I sent them to lay on their Table. Upon their coming to the original resolutions not to do business, thirty members only were present. 24 ag.st 6. upon their adhering. 24 only. 17 ag.st 7. My letter to your Lordships of the 31.st of may. & papers accompanying it I beg to refer to for an explanation of any thing not fully laid before your Lordships in this any thing I mean which regards the matter in dispute.

Rec.d — J. B.

Read Dec.r 1 } 1763.

(Inclosures.)

M. 80. To the Kings most Excellent Majesty.
The humble Petition of the Commons House of Assembly of the Province of South Carolina.

M. 81. Copies of Messages from Gov.r Boone to the Assembly of South Carolina. and their answers.

M. 82. a Proclamation appointing 1.st Sept. 1763 for meeting of General Assembly.

B. T. R. O. South Carolina. B. T. Vol. 20. N. 78.

Charles Town, S.t Carolina.
Sept.r 15.th 1763.

My Lords,

I had the honour to write to your Lordships the 17.th of last month, in answer to a letter from your Lordships of the 30.th of May. The original went by the ship Lillies, Capt.n Forbes, the Duplicate by the Snow Hitchenton, Capt.n Palmer, since which your Lordships letter of the 29.th of April notifying his Majesty's appointment of your Lordships, to be his Commissioners for promoting the Trade of Great Britain, & for inspecting and improving his Majesty's foreign Colonies & Plantations, with all the Papers to which that letter referr'd, reached me by way of New York, in obedience thereto I shall not fail to regulate my correspondence & conduct accordingly. I had also the honour to receive another letter of the same date, signifying his Majesty's Commands, that a proper & early day of thanksgiving for the Peace should be appointed, & it has been done accordingly. The Kings Commands conveyed to me by your Lordships in an Instruction dated the 13.th of April

for

for the establishing a temporary line of Jurisdiction between this Province & N: Carolina shall, as far as depends on me be carried most faithfully into execution, I have already heard from Gov: Dobbs on that subject, who has postponed doing any thing in it till his arrival here, where he is expected.

I have the honour to be with the greatest respect,

My Lords,

Your Lordships most obed!
& most Humble Servant.

Tho: Boone.

The Lords of Trade.

Rec!
Read Dec: 1 } 1763.

B. S. R. O. A. & W. I. Vol. 223.

Charles Town. So Carolina
Sept. 17th 1763

My Lord.

I had the honour to receive your Lordship's letter of the 26th of march enclosing a Proclamation, & signifying his Majesty's pleasure that the same be published in all the proper places within this Government, & two days after the receipt of these Commands they were punctually obeyed by

My Lord.
Your Lordship's most obedt
& most Humble Servant.
Tho: Boone

The Earl of Egremont

R. 7br Novr

B. P. R. O. South Carolina. B. T. Vol 20. M. 83

So Carolina

Sept: 27th 1763.

My Lords,

I have the honour to enclose to your Lordships an Address of the Council to me upon a difference between them & the Assembly, & my answer to it, upon which I must beg your sentiments and directions. The several money Bills always direct that a Committee of the two Houses should cancel & burn such Bills, as ought by law to be sunk, if this is not done, & it can be done only in the mode prescribed by the Act, the paper Certificates may be reissued by the Treasurer for his own advantage, & the credit of the Province affected, this is absolutely distinct from what I recommended by my last message to the Assembly, a copy of which I sent your Lordships the 15th instant, in that case they were bound in honour to make provision by Tax for sinking money which under that obligation only they were permitted to issue, in the present one they will not meet the Council to destroy Bills for which provision is made, in both the one & the

the other, they are guilty of great breach of faith. The general complaints of the Council really require redress, &c by my Instructions I am bound to give it them, so that had they applied to me whilst the assembly and I were upon terms, in all probability, it would have occasioned just as much disturbance as there is, for another reason; this is not a matter which regards me in the least, but I think it highly improper, that the Council should be denied the exercise of such rights and privileges as the King allots them &c yet the Instruction under which they claim them to remain in force.

I have the honour to be,
My Lords,
Your Lordships most obed.t
& most Humble Serv.t
Tho: Boone

(The Lords of Trade)

Rec.d Dec.r
Read Dec.r 1 } 1763.

(Inclosures.)

(Inclosures.)

m. 84. Message to the Council from the Commons House of Assembly. respecting the Indian Trading Bill and Street Bill 28th May 1762.

m. 85. Message to the Council from the Commons House of Assembly agreeing to the amendments of the Indian Trading Bill. 29th May. 1762.

m. 86. To His Excell.y Thomas Boone. Esq.r Capt. General & Governor in Chief &c.
The Humble Address of His Majesty's Council Commons House of Assembly refusing to receive a message from the Council on the 13th instant.

m. 87. Governor Boone's answer to the Council's Address.

B.T.R.O.ᵉ South Carolina B.T. Vol. 29. p 199.

(13ᵗʰ October 1763.)

To the King's most Excellent Majesty.

May it please your Majesty.

There being at present but ten persons appointed by your Majesty to be of your Majesty's Council in the Province of South Carolina, We humbly beg leave to propose, that Thomas Shottowe Esqr, who has been recommended to us as a person well qualified to serve your Majesty in that station, may be appointed to be of your Majesty's Council in the said Province.

which is most humbly submitted.

Shelborough
Soame Jenyns
Ed: Bacon
John Yorke

Whitehall
Octr 13ᵗʰ 1763.

B.T.R.O. South Carolina B.T. Vol. 29. p. 199.

(13th October 1763.)

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Which is most humbly submitted.

Shelborough
Soame Jenyns
Ed: Bacon
John Yorke

Whitehall
Oct: 13th 1763.

B. T. R. O. South Carolina B. T. Vol. 20. M 77.

(30th October 1763)

My Lord.

In pursuance of your Lordship's Commands I have made the strictest Inquirey that I was capable of to find out the Province in America that would be most for my advantage to settle in. but I find the accounts verrey unsatisfactorey. If I am oblidged to take a Recommendation but for one Province I shall take it for South Carolina

My Memmorial to your Lordship Prayes that I may be put on the footing of the officers who served in America and without a Genll Order to all his Majesteys Governors there I am not put on that footing as you will find by his Majesteys Proclamation part of which I beg leave to repeat.

And whereas we are desirous upon all occasion to testifie our Royal Sense and Approbation of the Conduct and Bravery of the Officers and Soldiers of our armies and to Reward the same we do hereby Command and Impower ouer Governors of ouer said three new Colonies and All other ouer Governors of ouer several Provinces on the continent of North America to Grant without Fee or Reward to such

Reduced

Reduced Officers &c.

You see My Lord by the Proclamation that an officer that has served in America may apply to any of his Majesty's Governors for his moiety and fix where he pleases, this is all I want for the following reasones I hope that your Lordship and the Bord will grant me the same indulgance. As it is impossible that I can here be properly informed of the Countrey that would suite me and as I must be at great expence in transporting of my self and effectes if the Countrey that I am oblidg'd to goe to did not agree with my constitution or produce the commoditeys that I would wish to deale in, instead of serving of me, it might happen to be my ruin. But if I am left at large to settle where I please as the American Officers are I can then chuse for myself and settle where it is most for my advantage and most agreable to me.

I submit the whole to your lordship's wisdom hoping that you will order me a letter from the Board to the Governors of his Majesty's Coloneys in North America in as full a manner as the nature of the affaire will admit of. And I remaine your Lordship's

(Earl of Hillsborough) most obed^{t} Humble Servt

30th Octob^{r} 1763. Fran^{s} Biddulph.

Rec^{d} —
Read Nov^{r} 21. } 1763.

B. P. R. O. South Carolina B. T. Vol. 29. p. 200.

(18th November 1763.)

To the King's most Excellent Majesty

May it please your Majesty.

In obedience to your Majesty's Order in Council of the 29th of July last, We have taken into our consideration a Memorial presented to the Commissioners of your Majesty's Treasury, in behalf of a number of French Protestants, who have lately retired into this Kingdom on account of their religion, and are desirous of settling in your Majesty's Province of South Carolina, which Memorial sets forth the terms & conditions, upon which they desire Lands may be granted to them in that Province, and as it appears to us, upon a full examination of this Memorial, & of the circumstances of these people, that the terms & conditions, upon which your Majesty's Governor is already authorized by your Majesty's Commission & Instructions to make Grants of Land, are sufficiently advantageous and beneficial, so far as regards the quantity of Land to be allowed to each person, and the nature of cultivation & Improvement; We shall therefore, without troubling your Majesty with any particular propositions relative

thereto

thereto, give the proper directions to your Majesty's Gover-
nor for such a distribution of Lands to these people, as
shall be expedient for their settlement and accommoda-
tion in the manner the most eligible & convenient to
themselves, & the most advantageous for the Colony & the
Publick, and We have accordingly prepared a letter to
your Majesty's Governor upon this subject, in which We
have recommended these persons to his particular care
& protection. But in consideration of their distress and
indigence, We take the liberty humbly to recommend to
yr Majesty, that Orders should be given for exempting
them from the payment of any Quit-rent, until the
expiration of ten years from the date of their respective
Grants; that the expence of surveying & laying out their
Lands should be defrayed out of the Quit-rents arising
to your Majesty, within that Province; and that a
proper number of muskets, not exceeding two hun-
dred, & a proportionable quantity of ammunition
should be given them out of your Majesty's stores
in this Kingdom, which we humbly apprehend will
be necessary for their support & defence.

which is most humbly submitted.

Whitehall
Novr 18th 1763

Hillsborough
E. Bacon
T. Rice
B. Gascoyne

B. T. R. O. South Carolina B. J. Vol. 29. p 203.

(18th November 1763)

To Charles Jenkinson Esqr Secry to the Lords of the Treasury

Sir,

The Lords Commissioners for Trade & Plantations, having under their consideration the most effectual means of providing for the convenience & accommodation of the French Protestants going to So Carolina, are informed, that there is only a verbal agreement made by the Lords Commissioners of the Treasury with Mr Mc Nutt for the passage of these people to Charles Town; & therefore my Lords Commrs for Trade & Plantations submit it to their Lordships, whether it will not be proper, that the contract with Mr Mc Nutt for this service should be in writing. and, if their Lordships are of that opinion, the Lords Commissioners of Trade recommend, that the inclosed conditions, to be performed on the part of Mr Mc Nutt, should be inserted in the said Contract; and that it should be made as speedily as possible, as it is hoped that the people will be ready to depart in a

few

few days.

I am, Sir,

Yr. most obedt. humble servt.

J. Pownall.

Whitehall
Novr. 18th. 1763.

Terms to be inserted in Mr. McNutt's Contract to carry two hundred French Protestants to So. Carolina.

That the said McNutt will furnish a proper vessel, staunch & well equipt in all respects for that voyage.

That the People shall be accommodated with Berths & Provisions as customary in all passenger ships from this Kingdom & Ireland, that is to say. Berths of six feet, by eighteen inches each.

6 pounds of Bread
6 Do. of Beef
1 pound of Butter
} pr. wk. to each person.
2 Quarts of Water pr. day

when Cheese or Flour is required, a deduction is made for it of some other Article. The full use of Fire all day, & their Provisions good in quality

B. S. R. O. South Carolina. B. T. Vol. 29. p. 206.

(22nd November, 1763)

To Thomas Boone Esqr Governor of South Carolina

Sir,

A considerable number of Protestants, Inhabitants of the southern parts of France, having lately retired to this Kingdom on account of their religion, & having expressed an inclination to settle in some of His Majesty's Colonies, His Majesty has thought it adviseable, that they should be established in the Province of South Carolina, where, from their knowledge in the culture of Silk & Vines, it is hoped they may be particularly useful to the Colony, & to the Publick; and the Lords Commrs of His Majesty's Treasury having accordingly enter'd into an agreement with Mr Alexr McNutt for the passage of these People to Charles Town, it will be your duty immediately upon their arrival to give them every countenance, support & protection in your power

Upon this occasion it falls within our Department to consider and direct, in what manner these French Protestants may be settled with the greatest convenience to themselves & advantage to the

the Province, and as we conceive these ends will be best answered by their being placed together in one body, the object which we are first to recommend to your attention is, the laying out a proper Township for them, either upon the River Savannah, which is the situation they seem most to covet, or, if there are no vacant Lands there within a reasonable distance, then upon some other convenient River, & in such a spot as they shall, upon examination find to be most proper for the objects they have in view.

The number of these People according to the inclosed List is no more than one hundred and eighty three; but as there is a great probability, that, if they succeed in their undertaking, others will follow & join them, We think that the Township allotted for their settlement should contain at least twenty thousand acres of land to be laid out in a square plot, one side of which to front to the River, having a particular part of it, not exceeding Eight hundred acres, reserved in a convenient situation for the site of a Town, to consist of about three hundred tenements for houses & gardens, with proper reservations for a common,

&

& for a Glebe of three hundred acres for a minister of the establish'd Church.

As to the particular distribution of the Lands within the Township, such distribution must be made to each family under the regulations and in the proportions, prescribed by your Instructions as they refer, either to the quantity or the conditions of cultivation; but we think it necessary to acquaint you, that, as the particular situation of these people, and their indigent circumstances appear to us to require particular encouragement, We have humbly proposed to His Majesty, that they shall be exempt from the payment of any Quit-rent for the space of ten years, & that the expence of laying out & surveying the Lands shall be defrayed out of His Majesty's Revenue of Quit-rents; & we are not without hopes, that, before the vessel sails, we shall be able to send you His Majesty's Orders upon these points.

The advantages, which the Province will receive from the acquisition of so large a Body of useful Colonists, and the attention, which has always been given by the Legislature there to encourage its speedy settlement, leave us no room

room to doubt, that the Council & Assembly will cooperate with you in every measure, that can contribute to the comfort and convenience of these people, as far as depends upon them; and that the Bounties allowed by the Act passed in 1761 to each foreign Protestant that arrives in the Province will be paid without delay, that of twenty shillings a head for Provisions & Tools to the people themselves, and that for the expence of Transportation to such persons as shall be authorized to receive it, in consequence of the engagements which the Treasury have entered into with Mr. Mc Nutt, one condition of which is, that he shall receive that Bounty in alleviation of the expence of the freight.

The reliance we have upon your humanity and zeal for His Majesty's service makes it unnecessary to add any thing further, than that we do more especially recommend this service to your attention, & to that of the Council & Assembly, as His Majesty has been pleased to take these unfortunate people under his particular protection, & has already extended His Benevolence to them, by supporting them at

his

his own expence, during their residence here.

We are,

Sir &c

Hillsborough

Soame Jenyns

Geo: Rice

Bamber Gascoyne

P. S. Under the same cover with this you will receive His Majesty's Order in Council, exempting these French Protestants from the payment of any Quit-rents for their Lands for ten years &c. &c. you will accordingly insert proper Clauses in their Grants for that purpose.

Hillsborough.

Liste des Protestants Refugiés actuellement à Plymouth pour se rendre en Amerique dans les possessions de sa majesté George troisieme Roy de la Grande Bretagne sous la conduite & direction de Jean Louis Gibert Pasteur.

No		ages	
1	Jacques Jouzeau	30	Catechiste
2	Daniel Duc	31	Capitaine de Navire
3	Pre Pierre Don	25	D^r en medicine en Chirurgie

No.			Ages	No.			Ages
4	Barthelemy Bouigue	Chirurgien	22	28	Francois Gross	Lab.r	26
5	Jacques Boutelon	Laboureur	51	29	Etienne Favereau	Lab.r	30
6	Pierre Boutelon	Laboureur	20	30	Pierre Rolland	Menuisier	30
7	Jean Roger	Commercant	45	31	Pierre Roquemore	Bonnetier	22
8	Pierre Roger	Laboureur	21	32	Jean Bonneau	Lab.r	28
9	Jean Roger	Laboureur	20	33	Jean Boutin	Menuisier	24
10	Mathieu Bereau	Laboureur	33	34	Jean Vidau	Lab.r	23
11	Jean Bereau	Tonelier	32	35	Louis Vidau	Vigneron	22
12	Mathieu Bereau	Tonnelier	23	36	Pierre Dumas	Tonnelier	30
13	Jacob Chardavoine	Marin	17	37	Pierre Renond	Menuisier	36
14	Pierre Moragné	Laboureur	22	38	Jacques Gereau	D.o	34
15	Paul Nino	Perruquier	19	39	Joseph Rolland	Tailleur	27
16	Louis Villaret	Boulanger & cultiv.r de Muriers	26	40	Jean Audebert	Vigneron	22
17	Jean Gout	Perruquier	19	41	Pierre Clusan	Tisserand	34
18	Pierre Lieron	Jardinier & cult.r de muriers	27	42	Pierre Lartigue	Masson	18
19	Jean Frisille	Fillole	48	43	Jean Boyer	Vigneron	20
20	Pierre Gollin	Marin	31	44	Jean Priolet	D.o	24
21	Pierre Gollin	.....	7	45	Jean Breau	Charon	24
22	Andre Audouin	Marin	24	46	P.re Roquemore	Tabnyen Bas	18
23	Jacob Baylard	Masson	23	47	Francois Bayle	Tailleur	24
24	Jacob Langel	Charon	45	48	Jean Bouchillon	Lab.r	19
25	Jean Faverand	Laboureur	24	49	André Guillebeau	Charp.r	25
26	Jacques Labrousse	Lab.r	35	50	Francois Pouillac	Vigneron	18
27	Etienne Labrousse	.....	7	61	Jean Roquemore	Jardinier	36

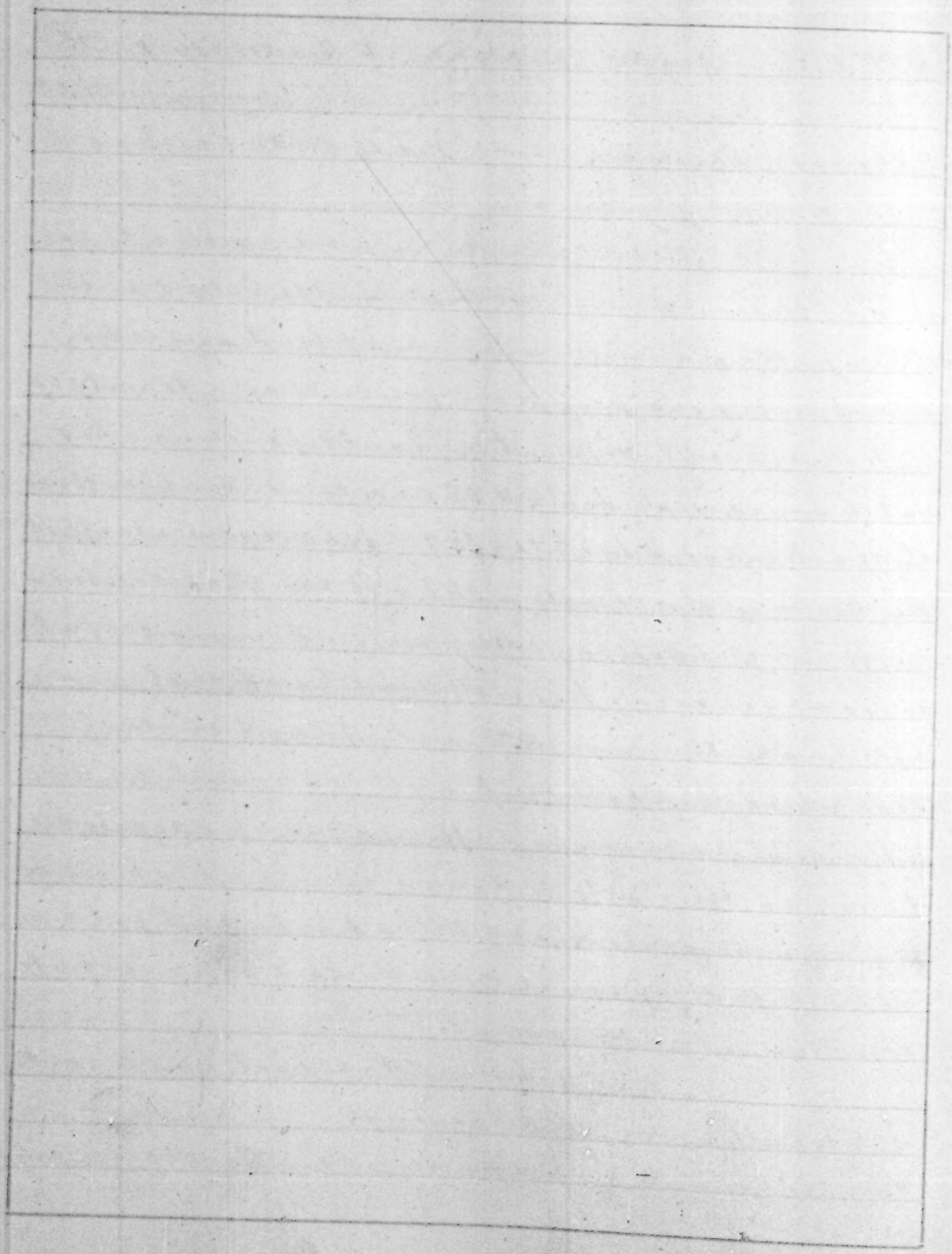
No.		ages	No.		ages
52	Jacques Langel. Vigneron	40	76	Pierre Clareau Charp.r	21
53	Denis Langel	3	77	Jean Bellote Fab. d'etoffe	50
54	Jacques Langel	2	78	Pierre Elie Bellote marin	19
55	Jean Dupuis. Cordonnier	42	79	Jean Arnaud Bellote ...	3
56	Pierre Bayle. Vigneron	19	80	Theodore Guay Jard.r & Potier	23
57	Joseph Bouchillon D.o	22	81	André Wagneu	37
58	Jean Antony Seiller	20	82	Abram Jacob. Cordon.r	37
59	Pierre Sudre. Tonnelier	20	83	Dan.l Jacob	3
60	Jean la Faye Vigneron	27	84	Jean B.te Gautier Tailleur	45
61	Jacques la Faye	7	85	Theodore Gautier	7
62	Jean la Faye	5	86	Samuel Bellemay Cord.r	23
63	Jean la Faye	3	87	Jn B.te Delenay Tisserant	45
64	Antoine Farastau. Vig.on	34	88	Jn B.te Delenay	10
65	Antonie Gabeau	7	89	Antonie Delenay	11
66	Colas Bordajeau Lab.r	33	90	Jacques Delenay	1
67	Pierre Bordajeau	6	91	Jn B.te Petit. Tailleur	27
68	Jean Bordajeau	8	92	Antoine Billaud Vigneron	36
69	Mathieu Festal. Precept.r	35	93	Mich.l Bassen. D.o	23
70	Charles Bouchonaud Pilot.n	19	94	Pierre Barbier. Marin	23
71	Nic. Bouchonaud. Marin	15	95	Etienne Thomas. Vigneron	12
72	Jean Bellefaye. March.d	56	96	N. Labrousse	1
73	Jean Dom. Marin	16	97	Pierre Langel	11
74	Pierre Reigne. Marin	36	98	Ant.ne Sherpet. Notaire	26
75	Jean Castan Vigneron	18	99	Francois Branton. Lab.r	23

No.		ages.
100	Jean Pierre Bullard. Boul.r	33
101	Pierre Boyer. Boutonnier	20
102	Jean Eymery, Relieur	32
103	P.re Galinau, masson	26
104	J.n P.re Nicolas, marin	27
105	Pierre Boutelon, Pasteur	50
106	Louis Villaret p.r les Mur.s &c.	45
107	Ant. Jos. Labbe, Precepteur	34
108	J.n Louis Husson, Charp.r	25
109	P.re Nicolas Piron. Perruq.r	26
110	Francis Gerard. Taill.r	35
111	J.n F.s Poiterin	35
112	J.n F.s Poiterin	2

No.		ages.
1	Marguerite Jeesandier	54
2	Jeanne Boutelon	21
3	Marthe Armagnien	30
4	Jeanne Roudier	20
5	Anne Latour	25
6	Suzanne Latour	20
7	Anne Coureau	50
8	Marie Bouchonau	14
9	Anne Lespine	42
10	Marg.te Roger	22

No.		ages.
11	Eliz Gregoire	33
12	Anne Berand	7
13	Marie Berand	4
14	Anne Berand	35
15	Eliz. Bien aimé	4
16	Jeanne Blanchet	32
17	Marie Labrousse	3
18	Marie Rougon	40
19	Judith Fresille	10
20	Marie Fresille	8
21	Susanne Fresille	4
22	Jeanne Lievre	36
23	Jeanne Gollin	1
24	Jeanne Caris	30
25	Françoise Renateau	23
26	Anne Bellefaye	11
27	Jeanne Bonneaud	36
28	Ledie Goguet	46
29	Marie Madelaine Bellote	16
30	M.e Judith Bellote	8
31	Susanne Alexandre	27
32	M. Gautier	1
33	Marie Favereau	30
34	Marie Juste	25

No.		ages.	No.		ages.
35	Susanne Lafonde	35	51	Marie Judith Jacob	5
36	Jeanne Sequin	30	52	Francoise Javereau	26
37	Marie Roquemore	4	53	Marie de la Mare	33
38	Jeanne Alegresse	33	54	Marie Delaunay	12
39	Anne Langel	5	55	Marie Reparon	22
40	Marie Seiral	54	56	Marie Thomas	31
41	Cecile Bayle	22		Suitte contenant celles	
42	Marie Maginier	25		qui sont actuellement	
43	Marie Verdiere	35		à Londres.	
44	Marie Ferasteau	25	57	Anne Jul.te Morin	36
45	Marie Ferasteau	1	58	A.ne Jul.te Poitevin	7
46	Francoise Sacbouille	32	59	Jeanne le Fevre	24
47	Marie Bordajean	10	60	Marie Husson	1
48	Jeanne Bordajean	1	61	Amel Guillaume	—
49	Marie Vilke	16		Males	112
50	Susanne Jodeau Joly	37		Females	61



B. P. R. O. South Carolina B. T. Vol. 29. p. 215.

(22nd November 1763.)

Thomas Boone Esq.r Governor of South Carolina.

Sir,

Mr. Biddulph, who will deliver this to you, is an Officer of merit in His Majesty's Land Service, & being reduced in consequence of the Peace, is desirous of seeking a provision for himself & family by undertaking a settlement in South Carolina; his not having served in America precludes him from the particular advantages & encouragements offerd in His Majesty's Proclamation of the 7th of October last, but we desire nevertheless to recommend him to your favor and countenance, and that you will make him such a Grant of Land in that spot which he shall find most convenient for his settlement as shall be sufficient for his accommodation in the objects he has in view; and which, as far as your Instructions will admit, shall put him upon a foot of equality with other officers of like rank.

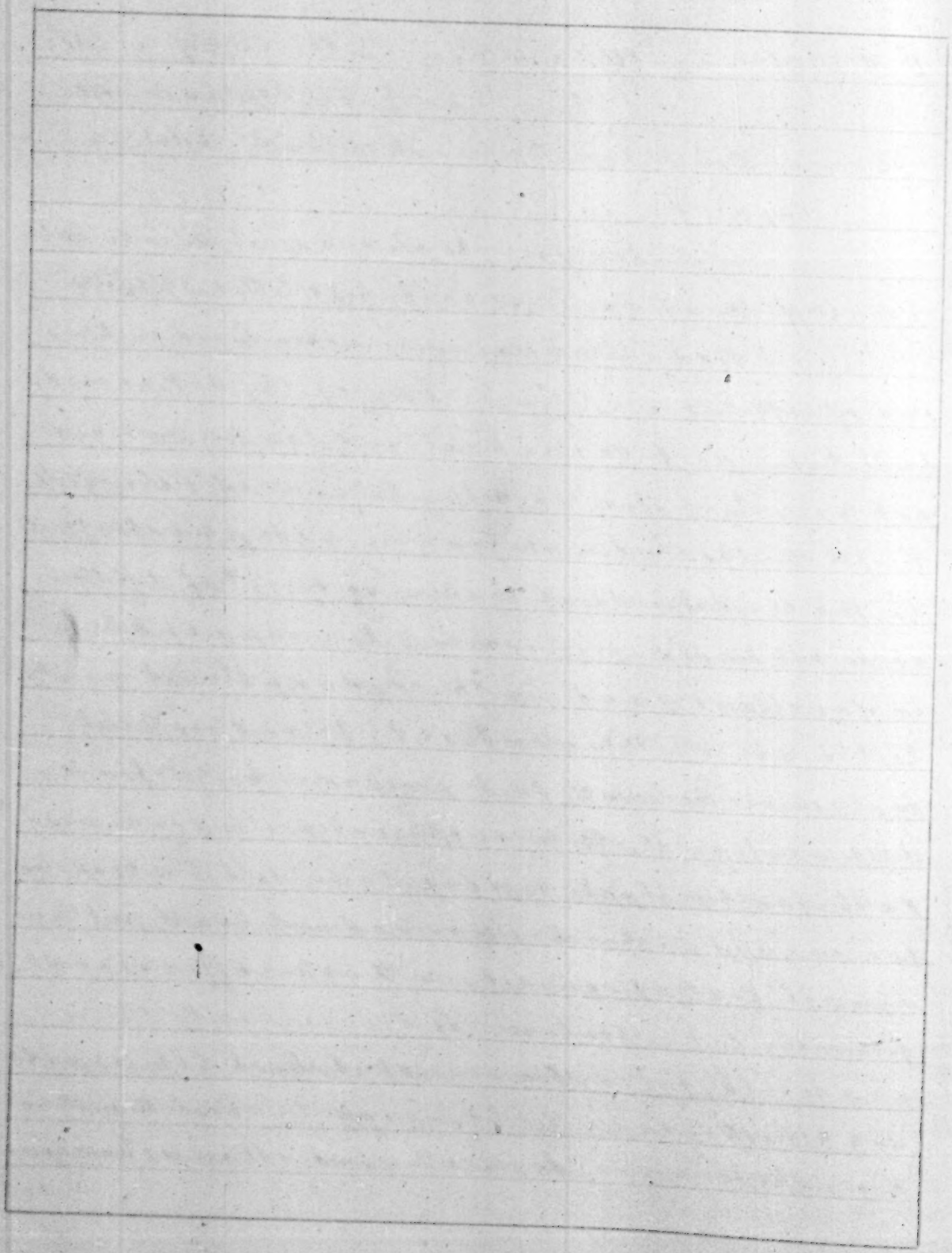
We are, Sir,

Your most obedient Hble Servants,

Whitehall
Nov.r 22.d 1763.

Hillsborough
Soame Jenyns

Geo: Rice
Bamber Gascoyne



B. P. R. O. A. & W. I. Vol. 223.

Charles Town, S.t Carolina
Nov.r 23.d 1763.

My Lord,

In obedience to His Majesty's Commands signified to me by your Lordship's letter of the 9.th of July, I have the honour to acknowledge the receipt of it, as well as a copy of the Act passed last Session of Parliament for the further improvement of His Majesty's Revenue of Customs &c. his Majesty's Order in Council made agreable thereto, for the division of the seizures, a list of the ships stationed in America, & a copy of the instructions given by the Lords of the Admiralty to the several Commanders of these ships, & I beg your Lordship to be persuaded, that no diligence or attention shall be wanting on my part, faithfully & rigidly to fulfill his Majesty's Commands. Eleven years acquaintance with almost every Province in America, has sufficiently convinced me of the necessity there was for the precautions now taken. The opposing illicit Trade, & bringing to condemnation a vessell concerned in it, renderd me obnoxious

to

to the commercial people, when I had the honour of serving the King as Governor of Jersey: and my discountenancing it by every means in my power, since His Majesty's gracious appointment of me to this Province, has by no means made me acceptable to the Trading part of this Colony. I esteem myself My Lord peculiarly fortunate, for having near a year and a half ago, enter'd so far into the spirit of the Commands with which I am now honour'd as to have strongly recommended and procured the passing of an Act to regulate the coasting trade of this Province: A Copy of the Title and Preamble of which, I beg leave to enclose; the act is in the Plantation Office entire. I flatter myself that it has been attended with very good effects: coasters now incur a penalty by leaving the Province without clearing at a Port of Entry, & such persons as are authorized by the Governor, may seize inform & prosecute; but were coasters absolutely restrained from engaging in foreign Trade at all, & all Persons without distinction empower'd to seize inform & prosecute; few or no vessells could carry enumerated goods

to

to foreign settlements, nor return to this Province with cargoes of goods prohibited, or for which a Duty is payable. What I now have the honour to suggest to your Lordship relates immediately to this Province, but might also with alterations be accommodated to others. Your Lordship is pleased to command me to impart to you for the King's approbation such hints as might occur to me on this subject, in obedience to which I beg leave to observe, that in the Plantations, the omitting to report goods liable to Duties, is no forfeiture of them, though in Great Britain it is, by the 9th of George 2nd if such goods "shall have been concealed in private places of the ship." The Importers ought certainly to enter the goods consign'd to them, especially as the scarcity of Officers in the Plantations will not admit of their being constantly on board vessels unloading, & the not reporting fully, therefore, considering the confidence that must be reposed in the Importers, because Custom House Officers cannot constantly attend, may well be deemed a Concealment. By the 14 of Charles 2d none but Officers of the Customs are to seize, which Act extends to the Plantations, & is certainly a great security to Persons concerned in illicit Trade; & by there being no obligation on-

on the Person claiming seized goods in the Plantations, (though in Great Britain there is) to give security to pay the costs occasion'd by such claim. the difficulties attending a prosecution are augmented. which are but too many already, and considering the general spirit of this part of the world, scarce surmountable. If Forfeitures of small vessels were to be adjudged here by a less expensive and tedious process than an Admiralty suit, (as they may be in Great Britain by two or more Justices of the Peace) the fair Trader might at least be assisted, and the diminution of the Revenue be in a degree prevented. These my Lord are my present thoughts, which I most humbly submit to your Lordship's judgment. The hopes of his Majesty's Royal favour which your Lordship permits those to indulge themselves with who manifest a diligence and attention to the duty now enjoin'd them will have the utmost weight with

My Lord.

Your Lordship's most obedt

and

and most Humble Servant
Tho: Boone

The Rt Honble
The Secretary of State
for the Se Department.

R. 20th Janry 1761

(Inclosure)

An Act to regulate the Coasting Trade of this Province &c for empowering the Governor to appoint Officers for preventing Frauds and abuses therein &c to ascertain the places and time for shipping &c discharging goods.

B. P. R. O. A. & W. J. Vol. 223.

Charles Town, S.t Carolina
Nov.r 21st 1763.

My Lord,

I had the honour to write to your Lordship, jointly with the other Governors & the Superintendant of Indian affairs, at the conclusion of the Congress held by the King's orders at Augusta; a Journal of the whole proceedings are now transcribing fair for your Lordships inspection; by those you will see that an express application from the Cherokees for Traders to be sent amongst them, was refus'd on the part of this Province, because our act for regulating the Trade with them recommended & passed by me, will not allow it. There was no means of making them comprehend the force of a Provincial law, but by telling them that it was in the King's breast to grant or refuse their request. but I should be extremly sorry to be understood by the answer given them, that it was a matter of indifference whether the act is repealed or not; for to that chiefly do I ascribe the peace & quiet which has so generally prevailed amongst them.

them. Indeed, my Lord, I am so far from interesting myself in a repeal of that Act, that I sincerely wish the whole Indian Trade in our district was comprehended in a similar one, & I have done my endeavours to get it adopted by the contiguous Provinces; but Provinces can never agree with one another. I must beg leave to acquaint your Lordship that Atta Kulla Kulla, or the Little Carpenter, in his own name & the name of Occunostota, the Great Warrior of the Cherokees, desir'd to go to England, either from hence or Virginia. I told him immediately that for my part I could not presume to send them thither until I had first obtain'd the King's permission, & as I suppose these visitors will be by no means acceptable, nor their visit, I think of any use, if it is the King's pleasure I can, I believe, make a refusal of their request perfectly easy to them. The transactions I have lately been by the King's Commands engaged in, the present situation of the Northern Colonies, as to Indian matters, & the possibility that it may be our turn next has induced me to draw a Sketch of a plan for the management of

Indians

Indians in general, which, if modell'd & established by persons sufficiently conversant with the geography of the respective Colonies, new & uncommon as it is, would, in my humble opinion, be attended with unspeakable advantages I hope your Lordship will pardon my presumption in laying it before you; I have no other object in view but the general good. If your Lordship forgives the liberty I take, I shall be perfectly easy; if you honour so rough a sketch with a perusal, extreamly happy.

I have the honour to be with the greatest respect.

My Lord,

Your Lordship's most Obed.t

& most Humble Serv.t

Tho: Boone

The Rt. Honble

The E. of State

for the S.e Department.

R. 20.th Janry 1764.

(Inclosure)

A Rough Sketch of a Plan for the management of Indians in general & the conducting of the

the necessary commerce with them upon the principles of Justice towards them and security to the Colonists.

Repeated experience has proved beyond contradiction that neither the Indian Traders nor Indians can be at all depended on, the first are the refuse of the earth, stick at nothing to obtain a temporary advantage, & frequently provoke the Indians by acts of injustice, to throw a whole Province into confusion; or if they take the other bent, and endeavour to ingratiate themselves, the concord that ensues, tends only to the engrafting the arts, & villanies, that have expelled the traders from civilized society, upon the savage stock. The Indians subsisting chiefly by hunting are early habituated to the shedding of blood, are commonly in a state of war, & to a man, cruel, fearfull, perfidious, & revengefull, if any have proved otherwise, it may be accounted for by some incidental circumstance; the loss of their numbers with which they universally are affected, is owing to their dread of becoming more insecure. Regardless of this their established character, & employing such very improper

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& insufficient means, we have hoped nevertheless by a long intercourse, to inspire them with notions of probity & good faith, & instead of forming our conduct by their principles, we have vainly looked for conformity to ours. An error so manifest has been notwithstanding general, & we have continued to talk a language to Indians which they dont understand, though the advantage is all on their side, & the mischief all on ours. If I am merciful, generous & just, & my adversary so far from possessing the same qualities, despises me for having them, & presumes in proportion, I must be a sufferer; but is not meekness only which we have practiced, but are in a habit of purchasing from Indians, forbearance from injuries, & this tribute as all tributes ever have been by the lower at least, is interpreted as the token of inferiority. The benefit of commerce with them, & the murmurs of merchants when it has been interrupted, has occasioned perhaps our rather endeavouring to heal hastily, than search the sore; but the assertion which I shall advance, & none will I believe deny, that the security of the Colony is the

first

first object, & its trade the second only, would obviate the opposition that might be made to the following sketch had I disregarded Commerce as much as I have attended to it.

I propose then that Acts of Assembly (or an Act of Parliament) should be passed in all the Colonies having intercourse with the same Indians for establishing trade with them upon the same, just & equitable footing: that the Trade should be carried on by the publick of each Province exclusively, at certain posts as far advanced into the purchased Indian country, as the certainty of relieving them when attacked will allow; that these posts be garrisoned by — men and — officers that the Factors to conduct the Trade at these posts should be men of character, discretion & temper, that all sorts of goods in request with Indians, powder ball & rum not excepted, should be sold at as easy rates as they can well be afforded, but that no credit be given on any pretence, because this has been the origin of many of the disputes; if it should be said in answer to this, that an unsuccessfull hunt may deprive the Indians of the chance of being

being more successfull another time, when they can have no credit for ammunition, let them apply I say, to their Countrymen that have been more fortunate for relief, & to them be the merit of conferring the obligation, & the danger also of insisting on the Return, if they will not trust one another they must suffer & the expectation of suffering may make them more industrious. The Factors should be Magistrates, & have power to stop all persons attempting to penetrate into the Indian countries with goods or without, & to seize the goods when there are any, as a deposit for the persons appearance to answer the penalties inflicted by the Act. By this power being thus lodged, & the Trade being exclusive most of the outrages now frequently committed, would be prevented; or at least your own factors men of some consideration would be responsible for all offence given to Indians. On the other hand if an Indian should offer any sort of insult, I would propose that he should be immediately punish'd by the Establishments; if he kills a man let the Garrison of that or any

other

other post put him & another, or any two others of the same tribe to death immediately; let expresses be sent to the different posts, as well that this revenge may be taken, as the trade stopped every where; thus you will at once punish the crime & take from them the means of prolonging the quarrel; but when they agree to forget what is past, Trade may again be open'd; though the Garrisons ought never to be off their guard, for from the moment a man reposes a confidence in an Indian, from that moment he has laid a snare for himself. My reasons for proposing that two lives for one may be taken, & possibly two innocent ones; are first, because it will operate the stronger on their principle of preserving their numbers, & next it will make the guilty man obnoxious to the nation, though he should escape, which he probably would; besides that this indiscriminating revenge is agreable to their practice, & their own Customs I insist upon it will have the greatest weight. But admitting that after summary justice taken in the way I propose they should break out into open war,

will

will they not be unprovided with ammunition? because no credit has been given, nor no opportunity offered of scalping private Traders and seizing their goods. They will at no time have more powder & ball than are necessary for their ensuing hunts, your settlements will be immediately apprized, as well as protected by the posts on the frontiers; your intelligence will be depended on, the war becomes a war of several Provinces instead of one, and all will act in concert, instead of distressing one another in the most calamitous times, as it is notorious some have done by furnishing the Indians with ammunition when out of the quarrel themselves. But is it not highly probable, that the Indians will be struck on the one hand, with this spirited conduct, and on the other with fair, honest dealings and good usage; and as the goods may be afforded cheaper by the publick, than an individual, a greater quantity will be consumed; and when we deal justly and are more secure from their incursions, who may not those disgraceful conferences where their

insolence

* insolence is constantly displayed, be forever laid aside; those ignominious tributes under the name of Presents be utterly abolished, & that immense expence of Provisions now incurr'd by their frequent visits to the Settlements be saved to the Colonies. Under the cover of the Forts above mention'd your settlements may extend, & by the time they have reached your frontiers, rum, sickness, war, famine, & a constant persecution of the beasts, will have render'd the Country beyond your Posts less necessary, as well as less habitable for Indians; you may then purchase, & establish other Forts under the same regulations upon your farthest limits, when the whole scheme is ready for execution let the Indians be summoned to the some contiguous posts, & be fully made acquainted with it; the reasons of every thing explained, & their treachery, & the villany of the Traders, declared

* This sentence alludes to their visits to Governors when they are frequently insolent and importunate, & if not gratified, go away disgusted. They frequently come uninvited, & demand what they want.

declared to be the foundation of the change. In all or most of the Provinces the Indians have redress by Law against acts of violence or injustice from the white people, I have therefore not observd on that head; but scarce any thing of the sort can happen when the intercourse is under the eye of a respectable factor & an officer of reputation. This sketch may appear a little unchristian, but when it is consider'd that the end is to establish peace, to secure the lives & properties of the King's subjects, to distribute Justice to Savages, in their own way, to extend the cultivation of the soil, to augment commerce, & to raise the credit of the British name, which has been derided & vilified it may deserve some little consideration. But is submitted with the utmost deference by My Lord,

Your Lordship's most respectfull
& most obedt Humble Servant,
Tho: Boone.

B. T. R. O. South Carolina B. J. Vol. 20. N. 102.

Charles Town. S.C. Carolina.
Nov.r 24. 1763.

My Lords,

In my letter to your Lordships of the 15th of Sept.r I had the honour to acknowledge the receipt of His Majesty's Instruction for the establishing a temporary line of Jurisdiction, between this Province & N.C. Carolina; I have since by advice of Council, agreed with Gov.r Dobbs that two Commissioners on the part of each Province, shall be appointed & the Line begun to be run, the 1st day of March. In the mean time to quiet the Settlers, I have issued a Proclamation containing the substance of the King's Instruction, & enjoining a forbearance from all sorts of violence, & have procured Gov.r Dobbs's consent, that all Process shall be mutually be stayed, & no warrants of Survey issued by either of us. I hope my Lords that this conduct of mine, will be acceptable to your Lordships, & that you will be pleased to recommend, that the expence of running the line be defrayed out of the Quit Rents, & a warrant upon the Receiver General be sent me

for

for that purpose, to be made use of in case the Province should refuse to provide for the expence which I am apprehensive of, & upon a suspicion of which the Gent.n of the Council have advised me to make this application to your Lordships. The whole expence will be within £300 sterling.

I have the honour to be.

My Lords,

Your Lordships most obed.t

& most Humble Serv.t

The Rt. Hon.ble — Tho.s Boone

The Lords of Trade

and Plantations.

Recd Febry

Read July 9.th } 1761.

B.C.P.R.O. A. & W. I. Vol. 223.

Charles Town, S.t Carolina.
Dec.r 7.th 1763.

My Lord,

I have now the honour to transmit to your Lordship the Journals of the Congress at Augusta; The copying them fair for your Lordship has taken some time, especially as it was agreed by the Gov.r and Superintendant, that all particulars regarding this meeting with the Indians, should be inserted; that from the whole your Lordship might receive the most impartial information: This unavoidable delay, will not I hope defeat that instance of deference and respect which I proposed and which the other Gentlemen concurred in thinking due to your Lordship, that no account of our transactions should be made known untill we were morally sure that this authentick one had nearly reached your Lordship; when I can suppose this to be the case, and not before, I shall communicate to the Council an account of our proceedings, or lay before them a printed copy; a certain number of

of which are in the press; some were agreed to be sent for your Lordship's distribution of them, & some for the American Governors & Commanding Officers: we thought ourselves restrained by his Majesty's instruction from sending copies directly to the Lords Commissioners for Trade & Plantations, because the King's Commands were signified by your Lordship, in which case we are directed to transmit an account of our Proceedings on such orders to your Lordship only.

One part of your Lordship's letter of the 16th of March you will not find alluded to in the least in any part of our conferences, the one I mean, which related to the Posts situated in the heart of the Indian Country; it is necessary therefore, for me to acquaint your Lordship, that as this subject was fortunately never started by them, so we all agreed in thinking it highly improper it should be suggested by us. I learn from Pensacola that Mobile was taken possession of by Majr Farmar upon the 20th of October, but

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I am not sure, that the Alabama, & Tombecbe are yet in our possession.

It would give me the highest satisfaction to think that my share of the pains and attention employed to carry his Majesty's most gracious intentions into execution were in the least acceptable. I have the honour to be with great deference and respect.

My Lord,

Your Lordship's most obed.t

& most Humble Servant,

Tho: Boone.

His Maj.ty's Sec.ry of State

for the S.t Department

R. 20.th Jan.y 1764.